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**ARGENTINE REPUBLIC**

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53209

# ARBITRATION

Upon a part of the National Territory of Misiones

DISPUTED BY THE

**UNITED STATES OF BRAZIL**

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## ARGENTINE EVIDENCE

LAI'D BEFORE THE

PRESIDENT OF THE UNITED STATES OF AMERICA

BY

**Estanislao S. Zeballos**

ENVOY EXTRAORDINARY AND MINISTER PLINIPOTENTIARY OF THE

ARGENTINE REPUBLIC

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## VOLUME I

**S. FIGUEROA, Printer**

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**1893.**

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**FIRST PART**

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**TREATIES**  
and  
**ROYAL LETTERS PATENT**  
from  
**1493 to 1893**



**BULL of POPE ALEXANDER VI, on the DISCOVERIES  
OF THE PORTUGUESE AND SPANIARDS,  
GIVEN AT ROME ON MAY 4th, 1493. (\*)**

*ALEXANDER, Bishop, Servant of the Servants of God,  
to the Illustrious and Dearest in Christ, our Son the  
King Ferdinand, and in Christ most beloved daughter  
Elizabeth, Queen of Castile, Leon, Aragon, Sicily and  
Granada: Greeting and Apostolic Blessing.*

Of the works most grateful to the Divine Majesty and most desired by our heart, the principal is, that the Catholic Faith and the Christian Religion be exalted, so much more in our times, and that it may grow and extend everywhere, that the salvation of souls be promoted and that the barbarous nations be depressed and reduced to the same faith. Consequently, having been elevated to this sacred See of St. Peter by favor of the Divine mercy, and not through our merits, and being aware that you, as the true Catholic Kings and Princes I know you to have always been, by your clear deeds known to almost all the world, not only contrive to the same end but with full devotion, earnestness and diligence, without saving toil, expenses or perils nor your own blood, contribute and have dedicated all your attention and efforts to it from long ago, as the recent recovery of the Kingdom of Granada from the tyranny of the Sarracens testifies it, with so much glory for the Divine name, we justly deem, not without cause, that we must spontaneously and graciously grant you all that, to the honor of God and the extension of the Christian empire, may help you in this holy and laudable purpose.

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(\*) Published in the « Collection of Treaties between the Argentine Republic and the Foreign Nations »: « *Tratados celebrados por la República Argentina con las naciones extranjeras.* » Official publication, V. III, Appendix p. IX. The book in three volumes is presented with these documents.

We were aware that from long ago you had intended to search after and discover some distant and unknown islands, and remote and unknown lands, never before visited by men, in order to reduce their natives and dwellers to the worship of our Redeemer and to the profession of the Catholic Faith, but being prevented hitherto from carrying out this holy and laudable purpose by your strenuous efforts in securing the Kingdom of Granada, you, having finally, by the will of God, conquered that Kingdom and decided to fulfill your wishes, did appoint to search after diligently by sea, hitherto unsailed, those main lands and remote and unknown islands, the dear son Christopher Columbus, man verily worthy, and very commendable and apt for so great an enterprise, with men and ships prepared therefor, not without the greatest toils, perils and expenses, that at last, through the Divine mercy, sailing by the Ocean sea with great diligence, found several most remote islands and main lands never before found by other men, wherein a numerous race dwells in peace, undressed and unwilling to partake of meat, as we are told, which people, according to what your envoys have been able to ascertain, believe in the existence in heaven of a God Creator, and seem most willing to embrace the Catholic faith and to live hereon in good customs; it being hoped that, were they duly instructed, the name of the Saviour Our Lord Jesus Christ would be readily confessed at the mentioned lands and islands; and that the above named Christopher caused to be built in one of the most important of said islands a fort well ammunitioned, to garrison which he appointed a few Christians from among those he had brought with him to look for some other far and unknown islands and lands; and that in said lands and islands already discovered, gold, spices and many other precious things of divers kind and quality are found :

Whereof, carefully considering all these things, and chiefly the exaltation and extension of the Catholic Faith (as it becomes to Catholic Kings and Princes) you intended, following the example of the Kings your ancestors of illustrious memory, to submit the mentioned main lands and islands, and to reduce their natives and inhabitants to the Catholic Faith :

We, therefore, praising much, in the Lord name, your holy and laudable purpose, and wishing it to be duly accomplished and that our Saviour's name be implanted in those lands, must exhort you in the Lord and by the obligation of the sacred baptism, by which you are bound to the apostolic precepts, and by the merciful entrails of our Lord Jesus Christ, and request you, should you intend to the such undertaking foster, to will and try with ready will and the zeal of true faith that the people dwelling in those lands and islands shall embrace the Christian Religion, in spite of all perils and toils, and in the firm hope and trust that the Almighty God shall look with favor upon your undertaking.

And to enable you, the liberality of apostolic grace being to you granted, to take such an important work in hand with full freedom and daring, we, of our own will, without any asking of your part nor of any one in your behalf but out of our own graciousness, and of a certain science and fullness of apostolic power, grant and assign to you for ever and to your heirs and successors

[King of Castile and Leon] all the islands and main lands discovered, or found to be discovered, or to be afterwards discovered, westward and southward, drawing and tracing a line from the Artic or North Pole to the Antartic or South Pole, whether these lands and islands found or to be found should lie towards India or any other part; which line shall be at a distance of one hundred leagues from any of the islands commonly called of Azores and Cape Verde to the West and South, so that all the islands and lands discovered and to be found to be discovered, or that would be discovered from the mentioned line to the West and South, not being in possession of any other King or Christian Prince until the day of Christmas last, in which day begins the present year of one thousand four hundred and ninety three, when by your envoys and captains were found some of the abovementioned islands by the authority of the Almighty God, to us in Saint Peter granted, and which as Vicar of Christ we exercise upon the earth, with all the dominions, towns, forces, villages, rights, jurisdictions and all their dependencies, as herein stated, we give, grant and assign them forever to you and to the Kings of Castile and of Leon, your heirs and successors; and we appoint, constitute and dipute you and said heirs and successors of yours as their lords, with full, free and absolute power, authority and jurisdiction; herein declaring that by this gift, grant and assignation of ours, it be not understood, or might be understood, that any Christian Prince which may have possessed the mentioned islands and main lands before the said day of Christmas, be herein deprived of the rights by him acquired, we further command you, by virtue of the holy obedience [as you too promise it, a promise which we doubt not you shall fulfil on account of your great devotion and royal magnanimity] to send to the aforesaid main lands and islands honest men, fearful of God, wise, skilful and experienced in order to instruct said natives and inhabitants in the Catholic Faith and to teach them good habits, in which task you shall put all necessary diligence.

And we absolutely warn all persons of whatever dignity, even imperial and royal, or of whatever degree, order or condition, under the penalty of excommunication *lata sententiæ*, which they shall incur should they transgress, not to attempt to procure merchandise, or by any other motive without your special permission or that of your mentioned heirs and successors to go to the islands and mainlands discovered, or to be found discovered, or that would be discovered to the West and South, drawing and tracing a line from the Artic to the Antartic Pole, whether the mainlands and islands be found or shall be found on any other side, which line shall be distant from any of the islands commonly called of Azores and Cape Verde, one hundred leagues to the West and South, as above mentioned;

Notwithstanding any Apostolic constitutions and ordinances, and other decisions in opposition thereto, hoping in the Lord, from whom all possessions, empires and lordship proceed, that, led by the Lord, should you pursue this holy and laudable purpose, your doings and efforts shall briefly and most prosperously succeed, for the happiness and glory of all Christian people; and since it would be difficult to carry these letters to every place where to carry them would be necessary, we will, and with the same motive and science



command that its transcripts, signed by the hand of the notary for this service required, and sealed with the seal of some one endowed with ecclesiastical dignity, or of an ecclesiastical court, may receive, in judgment and out of it, the same faith that these present letters would receive.

Therefore, be it neither licit for any man to infringe, nor with daring audacity oppose this our recommendation; exhortation, requisition, donation, gift, assignation, constitution, diputation, decree, precept, prohibition and will. Should somebody, notwithstanding, attempt it, let him know that he will incur the wrath of the Almighty God and that of the blessed Apostles Peter and Paul.

Given at Rome, before St. Peter, at the one thousand four hundred and ninety third year of the Incarnation of the Lord, on the fourth of May of the first year of our Pontificate.

# **TREATY OF Tordesillas**

**Capitulation of the partition of the Ocean Sea made between the Catholic Kings Don Fernando and Doña Isabel and Don Juan, King of Portugal. (The original document is in the General Archives of Indies, Seville.) (\*)**

Don Fernando and Doña Isabel, by the Grace of God King and Queen of Castile, of Leon, of Aragon and of Sicily, of Granada, Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordoba, of Corsica, of Murcia, of Jaen, of Algarve, of Algeciras, of Gibraltar, of the Canary Islands, Count and Countess of Barcelona, and Lord and Lady of Biscay and of Molina, Duke and Duchess of Athens and of Neopatria, Count and Countess of Roussillon and of Sardinia, Marquis and Marchioness of Oristan and of Goccano, together with the Prince Don Juan, our very dear and very beloved Son, firstborn heir of our aforesaid Kingdoms and Lordships: Whereas by Don Henrique Henriques, our chief Steward, and Don Gutierre de Cardenas, chief Commendator of Leon, our President of the Court of Accounts, and Doctor Rodrigo Maldonado, all of them of our Council, it was treated, adjusted and agreed for us and in our name and by virtue of our power, with the Most Serene Don Juan by the Grace of God, King of Portugal and of Algarves, and of this and the other side of the sea, Lord of Guinea in Africa, our very dear and very beloved brother, and with Ruy de Sousa, Lord of Sagres and Berenguel, and Don Juan de Sousa, his son, chief Inspector of Weights and Measures of said Most Serene King our brother, and Arias de Almadana, Corregidor of the Civil Acts of his Court and that of his Desembargo, all of

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(\*) The following is a translation of the document alluded to in the previously mentioned, \* Collection of Argentine Treaties &c.—Vol. III, Appendix, Pag. XIV.

agent of the Council of the aforesaid Most Serene King our brother, in his name and by virtue of his power, his Ambassadors who to us came about the business of that which to us and to said Most Serene King our brother appertains of that which until the seventh day of the present month of June, in which we are, from the date of this deed, is being to be discovered on the ocean sea, in which agreement our aforesaid Attorneys, amongst other things, promised that within a certain term expressed in it we should grant, confirm, swear, ratify and approve the abovementioned agreement by ourselves, we wishing to fulfil and fulfilling all that which in our name was adjusted, agreed and granted in regard to the abovementioned, we ordered said deed of the aforesaid agreement and convey to be brought before us in order to see it and examine it, and the tenor of which, *de verbo ad verbum*, is as follows:

In the name of God Almighty, Father, Son and Holy Ghost, three truly separate and distinct persons and only one Divine Essence,

Be it manifest and known to all who this public instrument should see, that at the village of Tordesillas, on the seventh day of our Lord Jesus Christ, one thousand four hundred and ninety four, in the presence of us, the secretaries, clerks and notaries public abovementioned, being present the honorable Don Henrique Henriques, chief Steward of the Very High and Very Powerful Prince and Princess Don Fernando and Doña Isabel, by the Grace of God King and Queen of Castile, of Leon, of Aragon, of Sicily, of Granada, etc., and Don Gutierre de Cárdenas, President of the Court of Accounts of said King and Queen of Castile, of Leon, of Aragon, of Sicily, and of Granada, etc., their competent Attorneys, on one party, and the honorable Ruy de Sousa, Lord of Sagres and Berenguel, and Don Juan de Sousa, his son, chief Inspector of Weights and Measures of the Very High and Very Excellent Don Juan, by the Grace of God King of Portugal and of Algarves, of this and that side of the sea, Lord of Guinea in Africa, and Arias de Almadana, Corregidor of the Civil Acts of this court and of that of his Desembargo, all of the Council of said King of Portugal, and his competent Ambassador and Attorneys as exhibited by both said parties by the procurations and power of attorney by their Lords granted to them, the tenor of which, *de verbo ad verbum*, is as follows:

Don Fernando and Doña Isabel, by the Grace of God King and Queen of Castile, of Leon, of Aragon, of Sicily, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of Algarve, of Algeciras, of Gibraltar, of the Canary Islands, Count and Countess of Barcelona, and Lord and Lady of Biscay and of Molina, Duke and Duchesess of Athens, of Neopatria, Count and Countess of Roussillon and of Sardinia, Marquis and Marchioness of Oristan and of Goccano, etc. Whereas the Most Serene King of Portugal and very dear and very beloved Brother has sent to us as his Ambassadors and Attorneys, Ruy de Sousa, Lord of the villages of Sagres and Berenguel, and Don Juan de Sousa, his chief Inspector of Weights and Measures, and Arias de Almadana, his Corregidor of the Civil Acts of his Court and that of his Desembargo, all of his Council, to treat and convene and accord with us or with our Ambas-

sadors and Attorneys in our name, upon the disagreement between us and said Most Serene King of Portugal our Brother, as to what to us and to him appertains of that which until the present is liable to be discovered in the ocean sea ; therefore, confiding in you Don Henrique Henriques, our chief Steward, and in Don Gutierre de Cárdenas, Chief Commendator of Leon, our President of the Court of Accounts, and in Doctor Rodrigo Maldonado, all of our Council, that you are such persons as will serve us loyally, and well and faithfully accomplish that which we would order and command to you, by this present letter we give you all our full power in the most ample form that we can and the case requires, especially in order that, for us and in our name and that of our heirs and successors and of all our Kingdoms and Lordships, and subjects and natives of them, you may treat, accord and agree, and adjust and covenant with the Ambassadors of said Most Serene King of Portugal, our Brother, in his name, any contract, agreement, limitation, demarcation and adjustment about what has been said, by the winds and directions in degrees of North and South and by those quarters, divisions and places of dry and sea, and of land, which you would esteem convenient; and so we give you said power that you may leave to the said King of Portugal and to his kingdoms and successors, all the seas, islands and lands lying within whatever limitation and demarcation of coast, seas, islands and lands might lie in; and further, we give you said power, in order that in our name and that of our heirs and successors, and of our Kingdoms and Lordships, and subjects and natives of them, you may accord, agree and receive, and accept from said King of Portugal and from said his Ambassadors and Attorneys, in his name, that all the seas, islands and lands lying within the limitation and demarcation of coasts, seas and islands, and lands which should rest or remain for us or for our successors, may be ours and of our Lordship and conquest, and in the same manner of our Kingdoms and successors of them, with those limitations and exceptions and with all the other divisions and declarations which you would esteem convenient ; and in order that you may do and grant, accord, agree and receive and accept, in regard to all what has been said, and to every thing and part of it and about that concerning it or depending on it or annexed to and connected with it in any form, in our name and that of the said our heirs and successors, and of all our Kingdoms, Lordships and subjects and natives of them, whatever capitulations, penalties and submissions and resignations which you would wish and esteem proper, and about it you may make and grant and do make and grant every thing and each of them, of whatever nature and quality, gravity and importance they be or may be, although they be such that by their condition they should require another determinate and special mandate, and that it should by act and right be made a singular and express mention of, and that we, being present, could make and grant and receive; and further we give you full power that you may swear and do swear by our souls, that we and our heirs and successors, and subjects and natives and vassals acquired or to be acquired, shall have, keep and accomplish, and that they shall have, keep and accomplish really and effectively,

all that you thus may agree, contract, swear, grant and sign, excepting every artfulness, fraud and deceit, fiction and simulation; and thus you may, in our name, agree and assure and promise that we personally shall assure, swear and promise and grant and sign all that you, in our name, about what has been mentioned, will assure and promise and contract, within that space of time which you would esteem proper, and that we shall keep and accomplish it really and effectively, upon the conditions and penalties and obligations contained in the contract of peace made and accorded between us and the said Most Serene King, our Brother, and upon all the rest which you would promise and agree, those which from this moment we promise to pay if we should incur in them: to which end, in all and in every part of it, we give you said power with free and general administration, and we promise and assure by our faith and royal word to have, keep and accomplish, we and our said heirs and successors, all that through you, about what has been said, in whatever form and manner, would be made and agreed and sworn and promised, and we promise to have it for firm, conclusive and acceptable, stable and valid now and forever; and that we shall not go or come against it nor against any part of it, nor our heirs and successors, by ourselves or by other intervening persons directly or indirectly, under any pretext or lawsuit, nor out of it, upon the express obligation which we therefor make of all our patrimonial and fiscal goods and any others of our vassals, subjects and natives, moveable and landed property had or to be had. In firmness whereof, we ordered this our letter of attorney to be executed, which we signed with our names, and order it to be sealed with our seal. Given at the village of Tordesillas, the fifth day of the month of June, one thousand four hundred and ninety fourth year of the nativity of our Lord Jesus Christ.— I the King.— I the Queen.— I Fernan Alvarez de Toledo, Secretary of the King and of the Queen our Lords, caused it to be written by their command.

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Don Juan, by the Grace of God King of Portugal and of Algarve, and of this and the other side of the sea in Africa and Lord of Guinea, to all those who this our letter of attorney and procuration should see, let it be known, that; Whereas by the mandate of the Very High and Very Excellent and Powerful Prince and Princess, the King Don Fernando and Queen Doña Isabel, King and Queen of Castile, of Leon, of Aragon, of Sicily, of Granada, etc., our very beloved and very esteemed brothers, some islands were discovered and newly found, and some islands and lands could be henceforth discovered and found, about which ones and the others found or to be found through the right and reason which we have for it, there could happen amongst us all, and our Kingdoms and Lordships, and the subjects and natives of them, disputes and controversies (which our Lord forbid), we wish for the great love and friendship which amongst us all exist, and in order to seek, procure and maintain a greater peace and firmer concord and tranquility, that the sea in which the mentioned islands lie and might be found, be divided and

marked out between us in some good, sure and limited manner; and as we at present cannot personally practice it, confiding in you Ruy de Sousa, Lord of Sagres and Berenguel, and in Don Juan de Sousa, our chief Inspector of Weights and Measures, and in Arias de Almadana, Corregidor of the Civil Acts of our Court and of our Desembargo, all of our Council, by this present letter we give you all our full power, authority and special mandate; and we make and constitute you, all together of you and each one *in solidum*, were the others in any way disabled, our Ambassadors and Attorneys, in that most ample form that we can and in such case is required, generally and especially, in such a manner that the generality may not abrogate the speciality, nor the speciality the generality, that for us and in our name, and that of our heirs and successors and of all our Kingdoms and Lordships, subjects and natives of them, you may treat, contract, agree, and make, and do treat, contract, agree and make with said King and Queen of Castile, our Brothers, or with whom to that end may have their power, whatever covenant, agreement, limitation, demarcation and accordance upon the ocean sea, islands and continents that should exist in those directions and degrees of North and of South, and through those quarters, divisions and places of dry and sea, and land which you may esteem proper; and thus we give you said power that you may yield and do yield to said King and Queen, and to their Kingdoms and successors, all the seas, islands and lands that may be or should be within whatever limitation and demarcation that to said King and Queen should appertain: and thus we give you said power, in our name and that of our heirs and successors and of all our Kingdoms and Lordships, subjects and natives of them, so that you may agree, convene, receive and accept with and from the King and Queen or from and with their Attorneys, that all the seas, islands and lands which might lie within the limits and demarcation of coasts, seas, islands and lands that to us and our successors should remain, be ours and of our Lordship and conquest and also of our Kingdoms and successors of them, with those limitations and exceptions of our islands, and with all the other clauses and declarations which you would esteem proper. Which said power we give to you said Ruy de Sousa and Don Juan de Sousa and Arias de Almadana, in order that in regard to all that has been mentioned and to everything and part of it, and to that concerning it or depending upon it, or to it annexed and connected with in any form, you may make and grant, agree, treat and undo agreements, receive and accept in our name and of our said heirs and successors, and of all our Kingdoms and Lordships, subjects and natives of them, whatever capitulations and contracts and deeds with whatever bonds, pacts, manners, conditions, obligations and stipulations, penalties and submissions and resignations that you should like and esteem proper, and about it you may make, grant, do, and convene agree all things and each of them of whatever nature, character, gravity and importance they be or may be, provided they be such that by their condition they should not require another singular and special mandate, and of which a singular and express mention should by act and right be made, and that we being present could make and grant and receive; and further we give you full

power that you may swear and do swear by our souls, that we and our heirs and successors, subjects and natives and vassals acquired or to be acquired, shall have, keep and accomplish, and that they shall have, keep and accomplish really and effectively, all that you may thus contract, agree, swear and grant and sign, excepting every artfulness, fraud, deceit and fiction; and you may thus in our name contract, assure and promise that we personally shall assure, swear, promise and sign all that you in the aforesaid name, about what has been said, shall assure, promise and contract, within the space of time which you would esteem proper, and that we shall keep and accomplish really and effectively, upon the conditions, penalties and obligations contained in the contract of peace amongst us done and agreed and upon all the rest that you would promise and contract in the said name, which from this moment we promise to pay and we shall really and effectively pay, if we should incur in them: for all which, and each thing and part of it, we give you the said power with free and general administration, and we promise and assure through our royal faith to have, keep and accomplish, and also our heirs and successors, all that by you, about what has been mentioned, in whatever form and manner be made, contracted, sworn and promised; and we promise to have it as firm, conclusive and acceptable, stable and valid now and ever, and that we shall not go or come, nor they shall go or come against it, nor against any part of it at any time nor in any form, by us nor by themselves, nor by any intervening persons, directly nor indirectly, under any pretext nor law-suit, nor out of it, upon the express obligation which we, therefore, make of the said our Kingdoms and Lordships, and of all the rest of our patrimonial treasure, and any others of our vassals, subjects and natives, moveable and landed property had or being to be had; in testimony and faith whereof, we order this our letter to be given to you, signed by us and sealed with our seal, given at our city of Lisbon, the eight day of March.—RUY DE PINA made it the year of our Lord Jesus Christ's Nativity, of one thousand four hundred and ninety four.—THE KING.

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And immediately the said Attorneys of the said King and Queen of Castile, of Leon, of Aragon, of Sicily, of Granada, etc., and of the said King of Portugal and of the Algarves, etc., said that:—Whereas amongst the said masters their constituents, there is a certain difference about what to each of the said parties appertains, of that which until the present date of this capitulation is about being discovered in the Ocean sea; that they, therefore, in merit of the peace and concord, and of the maintenance of the relationship and love, that the said King of Portugal has with the said King and Queen of Castile, of Aragon, etc., their Highnesses are pleased, and the said their Attorneys in their names and in virtue of their said powers granted and consented, that a line be traced and marked out through the said Ocean sea straight from Pole to Pole, that is to say; from the Arctic to the Antarctic Pole, that is, from North to South, which line or limit to be given is, as it is said, at three hundred and seventy leagues to the right from Cape Verde Islands towards the West by

The Divisory  
Line is herein  
fixed.

degree or in any other form as it better and sooner might be given, so that they may not be more, and that all that until the present has been found and discovered, and that henceforth should be found and discovered by the said King of Portugal and by his ships, both islands and main lands, above the said limit and line given in the above mentioned form, going along the said side of the East within the said line to the side of the East or of the North or South of it, provided it be not passing across the said line, shall be and rest for and belong to the said King of Portugal and to his successors for ever and ever, and that all the rest, both islands and main lands, found or about being found, discovered or about being discovered, which were or should be found by the said King and Queen of Castile, and of Aragon, etc., and by their ships, from the said line given in the aforesaid form, running along the said side of the West, after passing the said line towards the West or the North or South of it, shall be and rest for and belong to the said King and Queen of Castile, of Leon, etc., and to their successors for ever and ever: And further the said Attorneys promised and assured in virtue of the said powers, that henceforward no ships shall be sent, that is to say, the said King and Queen of Castile, and of Leon, and of Aragon, etc. by this side of the line or the side of the East on this side of the said line, that rests for the said King of Portugal and of the Algarves, etc., nor the said King of Portugal to the other side of the said limit, that rests for the said King and Queen of Castile, and of Aragon, etc., to discover and search after lands, nor any islands, nor to contract or rescue, nor conquer in any manner whatever; but that if it should happen that going in this way of this side of the same limit the said ships of the said King and Queen of Castile, of Leon, and of Aragon, etc., should find any islands or lands in that which thus rests for the said King of Portugal, that that such be and rest for the said King of Portugal and for his heirs for ever and ever, and their Highnesses are to order it thereupon to be given up and delivered. And if the vessels of the said King of Portugal should find any islands and lands on the side of the said King and Queen of Castile, and of Leon, and of Aragon, etc., that all that be and rest for the said King and Queen of Castile, of Leon, and of Aragon, etc., and for their heirs for ever and ever, and that the said King of Portugal is to order it thereupon to be surrendered and delivered.

And further, in order that the said line or limit of the said partition which is to be given and do give, be straight and the surest that it be possible along the said three hundred and seventy leagues from the said Cape Verde Islands towards the West, as it has been said, accorded and agreed by the said Attorneys of both said parties, within the first following ten months, reckoned from the day of the date of this capitulation, the said their constituents are to send two or four caravels, that is to say one or two from each party, or more or less, as it be agreed by the said parties to be necessary, which for the said time are to be assembled at the Grand Canary Island; and each of the said parties is to send with them men, both pilots and astrologers and sailors and some other persons that may be convenient, but they are to be as many on one party as on the other; and that some of the said pilots, astrologers and sailors and skillful men that the said King and Queen of Castile, of Leon, and of



Aragon, etc. should send, are to go in the ship or ships that the said King of Portugal, and of the Algarves, etc., should send, and likewise some of the said men that the said King of Portugal should send, are to go on the ship or ships that the said King and Queen of Castile and of Aragon should send, as many from one part as from the other one, so that they may jointly better observe and survey the sea, the rhumb and quarters and degrees of South and North, and mark out the above mentioned leagues, in order to perform the demarcation and limit, everybody that should go in the said ships, sent by both said parties, and that should have their powers, to act friendly together, whose said ships all jointly are to set sail for the said Cape Verde Islands and thence they shall take their route right to the West up to the said three hundred and seventy leagues, measured as the said persons who should there go would agree that they are to be measured, without injuring the said parties; and there where they should end the point or convenient sign is to be made by degrees of South or of North or by day's run of leagues, or as they could better agree. Which said line they are to mark out from the said Artic to the said Antartic Pole, namely, from North to South, as it has been said, and that which they should mark out is to be written and signed with their names by the said persons that would therefore be sent by both said parties, which are to have faculty and powers from the said parties, each one of its own one, to perform the said sign and limitation; and made by them, all being agreed, let it be had as a perpetual sign and demarcation for ever and ever, in order that the said parties, nor any of them, nor their successors, may never contradict, annul, or alter it in any time or in any form whatever. And should it happen that the said line or limit, from Pole to Pole, as it has been said, should run along any island or continent, at the beginning of such an island or land which were thus found, through which the said line should run, some sign or landmark is to be made, and straight from that sign or landmark is to be continued henceforward, placing other signs along such island or land straight to the said line, which are to divide that which to each of the parties should belong, and in order that the subjects of the said either parties may not dare pass over to one another's side, overpassing the said sign or limit in the said island or land.

And further, whereas the said ships of the said King and Queen of Castile, of Leon, of Aragon, etc., in order to sail from their Kingdoms and Lordships to their said part of the other side of the said line, in the manner that it has been said, must necessarily pass through the seas on this side of the line which is left for the said King of Portugal, it is therefore agreed and adjusted that the said ships of the said King and Queen of Castile, of Leon, of Aragon, etc., may go and come and do go and come freely, surely and pacifically without any obstacle through the said seas that are left to the said King of Portugal, within the same line, always and whenever their Highnesses and their successors should desire or deem it proper; which vessels are to go through straight ways and routes from their kingdoms to whatever part lying within their line of limit, where they be willing to send to discover, conquer or contract, and that they are to take their straight way whereby they should agree to go on any affair to their said part, and they are not to separate from

them, excepting that a contrary weather should compel them to; so that they may not take or occupy, before passing the said line, anything of what would be found by the said King of Portugal on his said side; and if their said ships should find any thing before passing the said line, as it has been said, that that be for the said King of Portugal, and their Highnesses are to order it to be whereupon given and delivered to him. And as it might happen that the ships or men of the said King and Queen of Castile and of Aragon, etc., or on their account, some islands and main land might have been found until the twentieth of the present month of June, date of this capitulation, within the said line which is to be traced out from pole to pole by a straight line at the end of the said three hundred and seventy leagues reckoned from the said Cape Verde Islands to the West, as it has been said, it is agreed and adjusted, in order to prevent any doubt, that all the islands and main land which may be found and discovered in any way until the said twentieth day of the said month of June, although they be found by the ships or men of the said King and Queen of Castile and of Aragon, etc., provided it be within the two hundred and fifty-first leagues of the said three hundred and seventy leagues reckoned from the said Cape Verde Islands to the West towards the said line, at any part of them towards the said poles, that they be found within the said two hundred and fifty leagues tracing straight line from pole to pole where the said two hundred and fifty leagues should end, are to be left and remain for the said King of Portugal and of the Algarves, etc., and for his successors and kingdoms for ever and ever. And that all the islands and main land that until the said twentieth day of the present month of June may be found and discovered by the ships of the said King and Queen of Castile and of Aragon, etc. and by their men or in any other form within the other one hundred and twenty leagues, which are wanted to complete the said three hundred and seventy leagues where the said line, which is to be traced from pole to pole, as it has been said, is to end, at any part of the said one hundred and twenty leagues towards the said poles, that may be found until the said day be left and remain for the said King and Queen of Castile and of Aragon, etc., and for their successors and their Kingdoms for ever and ever, as it is and is to be their own all that which is or might be found on the other side of the said line of the said three hundred and seventy leagues which are left for their Highnesses, as it is said, despite of the said one hundred and twenty leagues being within the said line of the said three hundred and seventy leagues that are left for the said King of Portugal and of the Algarves, etc., as it is said. And if up to the said twentieth day of this said month of June nothing is found by the said ships of their Highness within the said one hundred and twenty leagues, and henceforth should it be found, let it be for the said King of Portugal as in the above written chapter is contained. All that which is said, and each thing, and part of it, the said Henrique Henriquez, chief Steward, and Don Gutierre de Cárdenas, President of the Court of Accounts, and Doctor Rodrigo Maldonado, attorneys of the said very high and powerful Princes and Princess, the King and Queen of Castile, of

Leon, of Aragon, of Sicily and of Granada, etc., and in virtue of their said power hereto incorporated, and the said Ruy de Sousa and Juan de Sousa and Arias de Almadana, attorneys and ambassadors of the said very high and very excellent Prince, the King of Portugal and of the Algarves, of this and the other side, Lord of Guinea in Africa, and in virtue of his said power which is hereto incorporated, promised and assured in the name of the said their constituents, that they and their successors and Kingdoms and Lordships for ever and ever, shall have, keep and fulfil really and effectively, excepting all fraud and artfulness, deceit, fiction and simulation, everything contained in this capitulation, and each thing and part of it shall be kept, fulfilled and performed, as everything contained in the capitulation of peace done and adjusted amongst the said King and Queen of Castile, and of Aragon, etc., and Don Alfonso, King of Portugal, that may rest in peace, and the said King which is now of Portugal, his son, being Prince the past year of one thousand four hundred and seventy-nine; and upon those same penalties, bonds and surety and obligations, in accordance with and in the manner contained in the said capitulation of peace it is to be kept, fulfilled and performed; and they obliged themselves and their successors, not to go ever against the said peace nor anything of it, nor they are to come against the aforesaid and specified, nor against anything or part of it, directly or indirectly, nor in any other form at any time whatever, nor in any intended or not intended manner that it be or may be upon the penalties contained in the said capitulation of the said peace, and the penalty paid or not paid, or graciously remitted; that this obligation and capitulation and contract be left and remain firm, stable and valid for ever and ever; and in order to have, keep and fulfil and pay all in this manner, the said Attorneys and in the name of the said their constituents engaged one another the movable and landed property of their said parties, patrimonial and fiscal, and of their subjects and vassals, had and being to be had, and renounced to whatever laws and rights which the said parties or either of them may avail themselves of in order to go or come against the abovementioned or against any part of it; and for greater surety and firmness of the abovesaid, they swore upon God and Holy Mary and the sign of the Cross on which they set their rights hands and upon the words of the sacred Gospels, in whatever part they are most largely written in the souls of their constituents, that they and every one of them shall have and keep and fulfil all the abovementioned and each thing and part of it really and effectively, excepting all fraud, artfulness and deceit, fiction and simulation, and they shall not contradict it at any time nor in any form. They swore upon the said oath not to demand absolution nor release of it to the Pope, nor to any other legate or prelate which may give it to them and, though by his own will should it be given to them, they shall make no use of it, but by this present capitulation they entreat in their said names to the Pope that His Holiness be pleased to confirm and approve this said capitulation, according to what it contains, and shall order bulls to be issued about it to the parties or to either of them which should solicit them, and shall order the tenor of this capitulation to be incorporated in them, laying his censure upon those which should go or pass against it

at any time whatever. And likewise the said Attorneys, in their said name, obliged themselves upon the said penalty and oath, within the first following one hundred days reckoned from the day of the date of this capitulation for the parties give to each other the approbation and ratification of this said capitulation, written in parchment and signed with the names of the said their constituents, and sealed with their pending lead seals, and in the writing which the said King and Queen of Castile, and Aragon, etc., should issue, is to sign and agree and grant the very noble and very illustrious Prince Don Juan their son. Of all what is said two copies were drawn, both of the same tenor, which they signed with their names and were done before the secretaries and witnesses undersigned, one for each party. And either of them which should appear, let it be as valid as if both should do; that they were done and executed at the said city of Tordesillas the above-mentioned day, month and year. The Knight Commander Don Henrique, Ruy de Sousa, Don Juan de Sousa, Doctor Rodrigo Maldonado, Licentiate Arias. Witnesses who were present, and who saw the said Attorneys and Ambassadors, sign here their names and execute the aforesaid, and make the said oath:—The Knight Commander Pedro de Leon, the Knight Commander Fernando de Torres residents of the city of Valladolid, the Knight Commander Fernando de Gamarra, of Traga and Cenete, Continos of the house of the said King and Queen, our Lords, and Juan Suarez de Sequeira, and Ruy Leme, and Duarte Pacheco, Continos of the house of the said King of Portugal, therefore procured. And I, Fernand Alvarez de Toledo, Secretary of the King and Queen, our Lords, and of their Council, and Notary Public in their Court, and in all their Kingdoms and Lordships, was present to all what is said, together with the said witnesses and with Esteban Baez, Secretary of the said King of Portugal, that by authorization that the said King and Queen, our Lords, gave him, to give him, to give faith of this act in their Kingdoms, was also present to what is said; and at the petition and execution of all the said attorneys and ambassadors, that in my presence and his sign here their names, I caused this public instrument of capitulations to be written, as it is done on these six leaves of fullscap paper, written on both sides inclosing this one which contains the names of the aforesaid persons and my sign; and the end of every page is marked with the flourish of my name, and with that of the said Esteban Baez, and so I set here my sign, that is such. In testimony of truth:—Fernand Alvarez. And I, the said Esteban Baez, that by authorization of the said King and Queen of Castile, and of Leon, given to me to act publicly in all their Kingdoms and Lordships, together with the said Fernand Alvarez, at the petition and requisition of the said ambassadors and attorneys, was present at every thing, and in faith and surety of it, I signed it here with my public sign, which is such.

Which deed of contract and capitulation and concord above incorporated, seen and understood by us and by the said Prince Don Juan, our Son, we approved, commend and confirm, and we grant, ratify and promise to have and keep and fulfil all the above-mentioned in it contained, and every thing and part of it, really and effectively, without any fraud, artfulness, fiction and simulation, and not to go nor come against it, nor against any part

of it, at any time, nor in any form whatever; and for greater surety, we and the said Prince Don Juan, our Son, swear unto God and Holy Mary and the words of the Sacred Gospels, in whatever part they most largely be written, and the sign of the Cross upon which we set our right hands in presence of the said Ruy de Sousa and Don Juan de Sousa, and Licenciado Arias de Almadana, ambassadors and attorneys of the said Most Serene King of Portugal, our Brother, to have it so, keep and fulfil, and every thing and part of what to us concern, really and effectively, as it is said, by us and by our heirs and successors, and by the said our Kingdoms and Lordships and subjects and natives of them, upon the penalties and obligations, bonds and resignations contained in the said contract of capitulations and concord abovescribed: in confirmation and corroboration whereof, we signed in this our letter our names and ordered it to be sealed with our lead seal hanging in colored silk threads. Given at the city of Arevalo, the second day of the month of July, year of our Lord Jesus Christ's Nativity, one thousand four hundred and ninety four.

I, THE KING.—I, THE QUEEN.—I, THE PRINCE.—And I, FERNAND ALVAREZ DE TOLEDO, Secretary of the King and of the Queen, our Lords, caused it to be written by their mandate.

1681

## COLONIA DEL SACRAMENTO.

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### PROVISIONAL TREATY

**concerning the restitution of the Colonia of Sacramento and satisfaction for the attack carried into it by the Governor of Buenos Ayres; signed the 7th of May, ratified by Spain the 25th of May and by Portugal the 18th of June, 1681. (\*)**

In the name of the Most Holy Trinity, three distinct persons and only one true God:

As on account of the new colony that with the name of Sacramento the Governor of Rio Janeiro Don Manuel Lobo, about the month of January of last year of one thousand six hundred and eighty, founded and settled on the northern coast and bank of the River Plate, opposite to the island of San Gabriel (the news of it having arrived about the month of August of the same year), some differences upon interests and rights have occurred which were promoted and treated in a friendly manner.

On the part of His Catholic Majesty, arguing upon the duty of repairing

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(\*) This document has been published in the *Collecção de Tratados, Convenções, Contratos e Actos Publicos celebrados entre a Coroa de Portugal e as mais Potencias desde 1640 até ao presente etc.*—Lisboa, *Imprensa Nacional*—1856. V. I p. 479. The volumes I, II, III and VIII of this work, legalized by the Department of Foreign Affairs of Portugal and certified by the Consul of the United States of America at Lisbon, inasmuch as they refer to this question, are presented with these documents.

the troublesome action caused by this foundation in the legitimate rights of quiet and pacific possession which he enjoyed, since nearly two centuries ago, of the River Plate, its navigation, islands and northern and southern banks and all other adjacent lands, bringing the things to their primitive state until with more exact knowledge the rights of property which might belong to either Crown should be declared, according to the just demarcation agreed in the settlement concluded between the Catholic Kings and that of Portugal at Tor-desillas the seventh of June, one thousand four hundred and ninety four ;

On the part of the Most Serene Prince of Portugal, satisfying this demand with the purpose of assuring that the sincerity and good faith with which on his part he had acted in the occupation of that place, entitled him to keep its possession, without permitting that in any way he might be judged as having had the mind of troubling or overpassing the limits of demarcation of His Catholic Majesty by occupying any part, portion or place which to his knowledge did belong to H. C. M's possession or dominions, but to perform a licit act in making use of that land whose situation on the northern bank and coast of the River Plate he understood, with just cause, to belong to the demarcation of his Crown, assuring, in demonstration of so pure an intention, his ready disposition to repair whatever injury of the right which on the part of His Catholic Majesty's Crown might be shown to have resulted to the latter from this Colony without altering the present situation, to which effect he would agree to the means and ways which both Princes would esteem most convenient ;

And whereas, the affairs being in this state, and pending this friendly treaty and conference, the Most Serene Prince of Portugal has expressed to His Catholic Majesty, showing resentment, the news which he has received that the Governor of Buenos Ayres has seized said Colony on the sixth of August of the same year, proceeding by ways of deeds, causing the death of a part of the garrison, the imprisonment of the Governor and of the rest of his soldiers and neighbours, and the seizure of the artillery, arms, ammunitions and war stores, availing himself to this end not only of the men under his command, but of a great number of Indians of the obedience of His Catholic Majesty, by all this violating the treaty friendly entered upon with notorious excess, as the purpose of reoccupying this territory, considering it as his own and subject to his jurisdiction, could never redeem the act regulated of restitution by the immoderate and violent ones of hostility.

And upon this incident, reparation of this injury having been asked, and proof of the abuse alleged and the demand made that the one and the other should precede the course of the conference, though altered through so violent a motive to be reestablished, in order that one and the other Crown should remain in possession of their legitimate rights, by the just titles of their own demarcation.

And, in virtue of all herein said, after mature conference and deliberation, both His Catholic Majesty and the Most Serene Prince of Portugal recognized that to none of the said reciprocal actions any notice or intention offending the good peace and friendship which are maintained between both Crowns, has

concurred, and both desiring to preserve them with all firmness, sincerity and good correspondence, they have agreed and adjusted as follows :

I Article.—His Catholic Majesty shall cause such a demonstration to be made by the Governor of Buenos Ayres, as it will compensate the transgression by the manner of its execution.

II Article.—All arms, artillery, ammunitions, tools and other war stores which were seized at the fortress and Colonia of Sacramento, shall be wholly restored to the Governor Don Manuel Lobo or to the person that His Highness might send in his place.

III Article.—All those who dwelled in the Colonia and were taken out and who may still be at Buenos Ayres or within its limits, shall be restored to the same Colonia, and, were they not found at the said places, as many Portuguese people will be sent in instead of them, and they may remain in, and inhabit the Colonia until the termination of this affair ; and they can raise earthworks, only to cover their artillery and the roofs of their dwellings, should not a sufficient number of the old buildings of that place being left to that effect, and they shall not raise any other sort of new fortification, nor build new stone or mudwall houses, nor any other sort of durable and permanent buildings.

IV Article.—The number of people to be restored to the Colonia shall not be increased by a short or large number, nor the arms, ammunitions and war stores shall be augmented, nor any kind of merchandise shall be sent to it during the controversy until its settlement.

V Article.—The Portuguese who should reside at the referred place during the time which has been declared, shall abstain from molesting, soliciting, treating and trading with the Indians of the reductions and doctrines who are under the obedience of His Catholic Majesty, nor at them nor with them shall they make any change or violence, either by agreement or by force, nor in any other manner, nor shall they send to them, or to their doctrines and reductions any other priests or clergymen under any pretext, cause or reason.

VI Article.—In order that whatever cause or motive of dissatisfaction between these two crowns may be left altogether extirpated, His Highness shall order an inquiry about the excesses which have been committed by the inhabitants of San Pablo on the bordering lands and dominions of His Majesty, and punish them severely, causing to this effect, the Indians, cattles, mules and other things which had been seized, to be restored and set at liberty ; and he shall forbid that henceforward such hostilities be executed in detriment of the good peace and friendship of these Kingdoms, as it is contained in the preceding article.

VII Article.—The residents of Buenos Ayres shall enjoy the use and advantage of the same place, its cattle, wood, hunting, fishing and charcoal works, as before the town was built in it, without any difference, remaining at the same place all the time they should like together with the Portuguese in good peace and friendship, without any hinderance whatever, to which effect the necessary orders shall be reciprocally issued.

VIII Article.—The port and creek shall be made use of as before by the



ships of His Catholic Majesty, having in it their anchoring-place and free stays; they shall cut timber, they shall make their careening and all that they used to make in it, its coast and fields before the said settlement, without any limitation and without requiring the consent or leave of any other person, whatever their quality, because it has been thus accorded by both princes.

IX Article.—The prohibitions of the trade by sea and by land, both of the Castilians in Brazil and of the Portuguese in Buenos Ayres, Peru and other parts of the West Indies, shall remain in their full force and vigor; and the penalties established by the laws of either kingdom shall be irremissibly applied upon the transgressors.

X Article.—Every act of hostility committed by both parties, after the 6th of August of the last year of one thousand six hundred and eighty, shall be repaired and reduced to the terms of this treaty without any doubt or difficulty.

XI Article.—It shall be licit for the Governor of Buenos Ayres to reform and destroy the fortification which he might have increased, both in the forts or in any other part; and the other houses and buildings which would have been built anew from the day which he occupied that place to the time of this execution.

XII Article.—Let all the aforesaid be, and so it is understood, without detriment or alteration of the rights of possession and property of either Crown but those belonging to each remaining in their full and legitimate value and permanence, with all their privileges and prerogatives of title, cause and time, whereas this agreement has been made as a provisional measure, and in demonstration of the good friendship, peace and concord which these two Crowns profess to each other, for their reciprocal satisfaction, during the time of this controversy and not with any other object whatever.

XIII Article.—Commissioners shall be in an equal number appointed by both parties within two months reckoned from the day which the ratifications of this treaty should be exchanged, at which term they shall meet for the conference to be had in the same form that it was agreed and executed by the commissioners of the Emperor and King of Portugal the past year of one thousand five hundred and twenty-four; and from the day that the conference should begin (the accustomed oaths having preceded it), to the expiration of the three following months, they shall determine through their decision the rights of property of these demarcations; and should the said commissioners disagree, this declaration and determination thereupon intrusted to His Holiness the Highest Pontiff that is or should be at that time, so that within a year reckoned from the day in which the said commissioners should declare their disagreement, His Holiness shall determine or decide the questioned point; and that in which said commissioners should declare to have agreed, all of them or a majority of them, and in case of their disagreement shall have been declared by His Holiness, shall be kept, observed and fulfilled inviolably by both parties without taking avail of cause, pretext or reason in contrary.

XIV Article.—The reciprocal cessation of all movements shall continue as well as the other military actions between one and the other crown which

were accorded to be made from the day of the project, the former good peace and friendship being maintained.

XV Article.—The contents of this treaty shall be fully observed by the subjects of either party on the part concerning each, without contravening it in any way, and against those which would transgress directly or indirectly, both Princes shall order to proceed with all rigor and mend all excess, fulfilling to this respect the ninth article of the general peace between these two Crowns, as a part expressed in this treaty.

XVI Article.—From the day that the ratifications of this treaty should be exchanged, until a month afterwards the necessary orders shall be delivered reciprocally, by duplicate, for the fulfillment of the contents of the articles of this treaty.

XVII Article.—The aforesaid Catholic King and Prince of Portugal promise upon their faith and royal word not to do anything against nor in detriment of the contents of this provisional treaty, nor to consent that it be made directly or indirectly; and should it be done, to repair it without any delay. And for the observance and surety of all expressed and referred to in it, they bind themselves in due form, renouncing all laws uses and customs and any other rights which might favor them and proceed in opposition.

All which above mentioned things that in the articles of this Treaty are referred, were accorded, established and concluded by us Don Domingo Judice, Duke of Jovenaso, Don Nuño Alvarez Pereira, Duke of Cadaval, Don Juan Mascarucos, Marquis of Fronteira, Don Fray Manuel Pereira, Secretary of State, in virtue of the full powers which in it are inserted and declared in the name of His Catholic Majesty and of the Most Serene Prince of Portugal; in faith, surety and testimony of the truth whereof, we executed the present Treaty, signed with our hands and sealed with the seal of our arms, at Lisbon, the seventh day of the month of May of the year one thousand six hundred and eighty-one.

THE DUKE OF JOVENÁSO,

THE MARQUIS OF FRONTEIRA,

THE DUKE OF CADAVAL,

THE BISHOP FRAY MANUEL PEREIRA

Secretary of State.



**Treaty of Mutual Alliance between the King Don Pedro II and  
Don Felipe V, King of Spain, by which the former obliges  
himself to guaranty the testament of the King Don Car-  
los II respecting the succession of the latter to  
the Monarchy of Spain, signed at Lisbon the  
18th of June, 1701, and ratified on the  
part of Portugal that very same day, and  
on that of Spain on the 1st of July  
of the aforesaid year. (\*)**

In the name of the Most Holy Trinity, His Portuguese Majesty desiring to demonstrate to the Catholic King how much he was pleased to see the succession of Spain devolved on His Royal Person, and the great regard he professes to His good friendship, and how much he endeavour to interest himself in His conveniences and greater security of His Kingdoms and dominions;— He obliges himself by this new Treaty of Alliance to guaranty the testament of Don Carlos II, Catholic King of Spain, on the part respecting His Majesty's succession and possession of all the States and dominions belonging to the said King Don Carlos II, so that should there be any Prince or power that would declare war to Castile or France to prevent or diminish the said succession, His Portuguese Majesty shall refuse his ports, both of this Kingdom and of all his dominions to the subjects and ships, whether men of war or merchant vessels, of such Princes and powers, so that they may not carry into any trade

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(\*) This treaty is published in the Vol. II, p. 14 of the "*Collecção de Tratados*" etc. of Portugal, before mentioned.

nor have intercourse ; rather, those which should resort to the said ports shall be treated as enemies of the Crown of Portugal.

II Article.— And as the covenant for the introduction of negroes into the Indies, in which the Portuguese have employed so much capital, has undergone great losses and prejudices through the vexations done to them in Indies by the Ministers of the Catholic King, His Catholic Majesty shall be obliged to cause all the damages that on the said account should have resulted to the covenant to be repaired, and to order that henceforthe the conditions of the said contract be punctually observed.

III Article.— Should any war happen to occur, and Portugal should be in want of bread, His Catholic Majesty shall be obliged to cause the prohibition of exporting bread from the Kingdom of Castile to Portugal to be broken, and He shall not forbid that from any of his islands and dominions, bread be exported to the said Kingdom, provided it be oaded in ships of friendly nations.

IV Article.— And as for the sake of the true friendship and good intelligence which are desired to continue between both Crowns the damages which can be reciprocal must be avoided, and in the Concordate which was made between the Kings of Castile and of Portugal in the time of the King Don Sebastian declaring the cases in which the transgressor were to be delivered by one to the other party, and the restitution of the fruits, it could not comprise the tobacco, which did not then exist, and which has afterwards been introduced, so that in Portugal as well as in Castile its monopoly is one of the principal incomes of the Crowns, His Catholic Majesty shall be obliged to cause that in none of his lands of the Kingdoms and Princedoms of Spain may the tobacco of Portugal be introduced, either laboured or ground, into the said Kingdoms or Princedoms or out of them and shall order the destruction of all the manufacturies that should there be of Portuguese tobacco at his said Kingdoms and dominions, as well as those which would be newly established, imposing great penalties to those guilty of these transgressions and recommending its observance and performance not only to the ministers of justice, but also the war officers and commanders. And His Portuguese Majesty obliges himself, in the same manner, not to consent in his Kingdom any manufactory of tobacco for its introduction into Castile, ordering their destruction and preventing them in the above-mentioned form.

V Article.— Whereas between England and Portugal there are some doubts at present about the remainder of the debts for the reprisals which were made in Portugal at the time in which the Palatine Princes Robert and Maurice took refuge in the said Kingdom, about which debts England has made very immoderate estimates and pretends that Portugal shall pay them, His Catholic Majesty obliges himself, in case that there be any war, not to make the peace or truce or cessation of arms with the Crown of England without giving Portugal as discharged and free from the same debts of reprisals. And should there be no war, His Catholic Majesty shall interpose his authority and good offices so efficaciously, that the King of England

may agree to the settlement that was being treated, accepting the thousand pounds sterling that His Portuguese Majesty had offered for the satisfaction of the interested persons, giving good and sure consignment and ten thousand pounds paid presently in ready money, as it had been promised, because it may happen that the Crown of England, considering itself offended, plaintful of this new alliance, may not be willing to accept the settlement that was being treated and will try to be paid the enormous sums which it demands.

VI Article.— If on account of this same debt should England take any reprisal on some Portuguese ships, His Catholic Majesty shall be obliged to cause them to prompt restitution, partaking in the endeavours which His Portuguese Majesty should make about the reprisal made to him for this motive.

VII Article.— And as in case of war the King of England may not pay to the Queen of Great Britain Doña Catalina, the allowance assigned to her by that Crown, and as it is not just that the convenience which the three allied powers may desire from this convention, shall fall to the prejudice of the said Queen of Great Britain, it being manifest that from a damage thus caused to third person in that of so high a Princess, it results to the same powers an obligation not only natural but royal to repair it; it was agreed and adjusted that in the abovementioned case His Catholic Majesty shall be obliged to pay to the said Queen a third part of what her said allowance shall bring her, in the form in which she is at present paid, and the Crowns of Castile and Portugal the other two third parts, one each Crown; so that in this manner Her said Britannic Majesty may be totally undamaged and her allowance paid, each of the three Crowns paying her a part equal to the other two.

And as on account of this alliance, though there be no war, England may find affected pretexts for not paying to the said Queen of Great Britain the aforesaid allowance, failing in the obligation stipulated in the capitulations of dowery, and as in this case the same aforesaid reasons concur: when this should happen His Catholic Majesty shall also be obliged to pay to the said Queen a third part of her said allowance in the aforesaid manner, as well as each of the two others allied Crowns, another equal third part, until the Crown of England may effectively pay, as to the present, the same allowance to the said Queen of Great Britain, the Catholic King partaking to this end of the endeavours that the Portuguese Majesty should make in this respect.

VIII. Article.—And whereas the Island of Bombay was given to the King Charles II of England by the capitulations of dowery of the Queen of Great Britain, allowing the Portuguese inhabitants to keep their estates, England took them against the dispositions of the capitulations and instructions which were then given for the said delivery, and moreover they took possession of the Island of Mahim that was not given nor appertained to that of Bombay; should there be any war, his Catholic Majesty shall not make the peace or truce with England nor cessation of arms without its restoring to the Crown of Portugal the Island of Mahim and to its subjects or heirs

everything that was taken from them, and all the rest that England possesses in opposition to the capitulation.

I X Article.— And as the same England and Holland were much displeased in the past war, with the good entertainment that the French cruising ships found at the ports of Portugal, carrying to them the prizes which they had taken of said nations, and could now in revenge of this alliance find about them some pretensions against Portugal ; His Catholic Majesty shall be obliged to make England and Holland abandon such pretensions against Portugal and save it from any attempt that those nations may make about the said prizes, taking part in the war that Portugal may have with the same nations should they insist upon these pretensions.

X Article.— By the capitulations which were done with the States of Holland, Portugal obliged itself to pay them four millions of cruzados upon the conditions and declarations stipulated in the same treaty, consigning to them the payment upon the duties on salt of the village of Setulal, that the Dutch ships should load, which sum is almost satisfied. And as in the treaty the condition exists that if Portugal should give over the payment by any cause retaining the duties of the said salt, it shall loose all that it may have paid and begin anew to pay the four millions, and Portugal refusing the ports to the said Dutch those duties cannot be collected nor the payment be continued ; His Catholic Majesty shall be obliged not to make peace nor truce or cessation of arms with Holland but after its acknowledging the payment of the four millions, surrendering the part yet due to them, as well as any right that in virtue of the capitulation it might have to claim full payment. And as Holland through hatred of this new alliance, should there be no war, might oppose difficulties to the settlement of the accounts, asking for the payment of a larger sum than that truly owed to it, in such case, were it necessary, His Catholic Majesty shall interpose his offices with the said States, and shall move them to act in justice and reason.

X I Article,— The same Dutch shall also through hatred of this alliance, attempt to repeat and entertain some pretensions respecting the losses which they had in the war of Brazil, chiefly about the artillery which was left at Recife and other fortresses of Brazil, from which they were expelled by the Portuguese: in which case His Catholic Majesty shall be obliged to cause that said Dutch to discontinue in any attempt that they would do to this respect ; because so many years having elapsed, it is well shown that they entertain these pretensions in revenge of their displeasure, and not because they deemed them to be just. And in case of war, His Catholic Majesty shall cause that said Court may surrender all right that it may have on the subject, as they are to yield the part of the four millions owed to them.

X I I Article.— In case that there be a war and that His Portuguese Majesty would be willing to treat of the restitution of the towns of Cochino and Cananor, His Catholic Majesty shall be obliged to cause Holland to restore them, not making peace or truce with it nor cessation of arms, without said restitution, and without surrendering any right that it may have against Portugal for the expenses that it made with the fleet that took said towns and

fortifications with which it assured its defence. And not being in war and His Portuguese being Majesty willing to treat about the restitution of the said towns in the manner of the capitulation done by Don Francisco de Mello, His Catholic Majesty shall interpose his efficacious efforts so that Holland may accept the compensations that Portugal is to offer for the expenses of the fleet and fortifications.

XIII Article.— If there be any war, all the towns that the Portuguese may take in India and Coast of Africa from the Dutch, that were taken by them from the Crown of Portugal or any others that they may possess, shall be left to the said Crown of Portugal when peace be made, and it shall not be obliged to restore them, though for this reason the peace be given up, even if in stipulations made with the Dutch upon them, it shall be declared that they shall not be entitled to claim nor take them ; and that His Catholic Majesty shall be obliged to guaranty them at any time.

XIV Article.— And in order to maintain the firm friendship and alliance that are intended to be attained by this treaty, and to remove every motive opposition to this purpose, His Catholic Majesty cedes and resigns any right that he may have upon the lands about which the provisional treaty between both Crowns treats dated, the seventh day of May, of the year of one thousand six hundred and eighty one, in which lands the Colonia of Sacramento is situated ; which treaty shall stand without effect, and the dominion of the said Colonia is to remain to the Crown of Portugal, as it presently enjoys it.

XV Article.—His Catholic Majesty not only obliges himself to keep inviolably all the articles of this treaty, but also all those of the peace concluded between both Crowns by the treaty adjusted the year of one thousand six hundred and sixty eight, which articles are herein considered as expressed and declared, as if special mention of all and each of them were herein made ; and, were it deemed necessary, His Catholic Majesty, ratifies anew and imparts new vigor to said treaty, proclaiming in it as much as in right and in his royal power he can here declare.

XVI Article.—In virtue of the reciprocal conveniences that result to the Crowns of Castile and France of the union of the new alliance, that by this treaty is obtained ; The Catholic King shall be obliged not only to keep this treaty with him concluded, but also that which is done for the said union and alliance with the Very High and Very Powerful Prince Louis XIV, Most Christian King of France, His Catholic Majesty acting as guarantee of said treaty, that it may be inviolably kept, such as it is in it contained, and as if it should have been concluded with His Catholic Majesty, even in case that most special declarations might be needed for it.

XVII Article.—Should war break out with any Prince or Power of Europe, His Catholic Majesty shall not be entitled to make peace or truce, or cessation of arms, with any of said Princes or Powers, without the Crown of Portugal partaking of it, treating of its conveniences as if treated of his own Kingdoms and Dominions, so that they may be adjusted with utility and advantage for the said Crown. And in the same manner Portugal shall not



make peace, nor truce, or cessation of arms with any of the said Princes or Powers, without His Catholic Majesty partaking of it, and treating of the conveniences of this Crown, as of its own.

XVIII Article.—This coalition and its reciprocal obligations, shall last and have effect and vigor during a space of twenty years.

All which things contained in the eighteen articles of this treaty were agreed and concluded by us, the aforesaid Plenipotentiaries of Their Catholic and Portuguese Majesties, in virtue of the full powers which were given us by Their Majesties ; in faith whereof and testimony of truth, we sign the present treaty with our hands and affix to it the seal of our arms. At Lisbon, the eighteenth day of the month of June, year of the Nativity of our Lord Jesus Christ of one thousand seven hundred and one.

	(L. S.) MARQUIS OF ALEGRETE.
(L. S.) ROUILLO.	(L. S.) COUNT OF ALVOR.
	(L. S.) MENDO DE FOYOS PEREIRA.

**Act of guaranty of Anne, Queen of Great Britain, for the continuation of the armistice and conditions of the future peace, between Portugal and Spain, signed at Hampton Court the 19th August. (\*)**

Anne, by the grace of God, Queen of Great Britain, France and Ireland, Defender of the Faith, etc., To all and every one to whom the present letters should come, Greeting. Whereas the indefatigable cares of our Court and ourselves, by which with the help of the Divine Providence we have labored until now to restore the tranquillity to all Europe, have not yet produced such effect that the Kings of Spain and Portugal should agree upon the conditions of peace, on account principally of the distance of the General Congress from both Courts; and having to doubt that for this motive the affairs of the pacification between the said Kings may be deferred and delayed further than the state of things requires, happening in the meantime some cases of war noxious and dangerous to the Kingdoms: Therefore, we, who profess an equal affection to the King of Portugal and to that of Spain, esteem that we must interpose as mediator, in the sure hope that our effort shall obviate so much effusion of Christian blood, as well as whatever damages that may befall the Kingdoms of Portugal or Spain before the present war may come to an end, all of which is earnestly desired and to themselves shall be equally agreeable; Whereby, the Royal Portuguese Majesty promising through his Ministers Plenipotentiaries present at Utrecht, that he was willing to refrain altogether from making arms against the Kingdom of Spain and its Provinces, as soon as the peace is adjusted; We are equally willing on our part to promise also that the

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(\*) *Collecção de Tratados, etc., de Portugal*, previously referred to.—Vol. II, Pag. 258.

Royal Spanish Majesty, by reason of the friendship that we with him maintain, shall do the same thing with respect to Portugal and its Provinces; so that ceasing the obstreperousness and desolation of the arms, the minds, without the fear of any loss, may be more inclined to accord the peace. And though we cannot doubt that the King of Spain may accomplish our vows, nevertheless, so that the King of Portugal may firmly persist upon his peaceful purpose, we consider just to certify to the said King, through these our letters of promise and guaranty, that We by all the competent means and even by the arms, if it were necessary, shall fulfil it, so that if it should happen to the Kingdom of Portugal, or to any of its Provinces, within or out of Europe, to be occupied by the Spanish arms before the peace is made, all are to be delivered and restored at its conclusion. We also promise that we shall work to the end that not only the colony called of Sacramento, or any other equivalent indemnization, to the King of Portugal's choice, be restored and delivered, but also that on the part of Spain the Portuguese subjects be satisfied about the exactions of the contract called *El Asiento*; and that besides this, we shall procure with all diligence, that between the Spaniards and Portuguese the disputes be settled equitably and amicably, after peace is made, about the goods demanded by the Spaniards in Portugal, and, above all, that which, against the right of war or peace, may have been practiced by any of the two nations, especially with respect to the Spanish vessels apprehended by the Portuguese at the beginning of this war. And thus with amicable intention We take upon us this promise and guaranty with respect to the said articles and every one of them, and to attain it We oblige ourselves by the present with the best and Royal faith. For a greater firmness and testimony whereof, we caused our large seal of Great Britain to be affixed to the present, signed with our Royal hand. Given at our Palace of Hampton Court, the nineteenth day of the month of August, of the year of the Lord one thousand seven hundred and thirteen, and twelfth of our reign. +—ANNE, Queen.

1715

## TREATY OF UTRECHT.

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### PEACE AND AMITY

**adjusted between Spain and Portugal at Utrecht, the  
6th of February, 1715. (\*)**

In the name of the Most Holy Trinity Be it Known to all men present and those to come, that the greater part of Christianity being afflicted with a long and bloody war, God has been served to move the hearts of the very high and very powerful Prince Don Felipe V, by the grace of God, Catholic King of Spain, and of the very high and very powerful Prince Don Juan V, King of Portugal, to an ardent and sincere desire of contributing to the universal repose, and of assuring the tranquillity of their subjects, renewing and re-establishing the peace and good correspondence which existed before between the two Crowns of Spain and Portugal, to which effect Their said Majesties have given their full powers to their Ambassadors Extraordinary and Plenipotentiary, that is to say : His Catholic Majesty to the Most Excellent D. Francisco María de Paula Tellez, Girón, Benavides, Carrillo y Toledo, Ponce de Leon, Duke of Osuna, Count of Ureña, Marquis of Peñafiel, Grandee of Spain of first class, Lord Chamberlain of His Catholic Majesty, Chief Clerk of the Kingdoms of Castile, Chief Key-bearer of the Order and Chivalry of Calatrava, Knight-Commander of it and of that of Usagre in that of Santiago, General of His Majesty's armies, Lord of His Chamber and Captain of the First Spanish Company of His Royal Guards of Corps ; and His Portuguese Majesty to the Most Excellent Juan Gomez de Silva,

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(\*) "*Collecção de Tratados*," etc., of Portugal, previously referred to, Vol. II, p. 262.

Tarou, Lord of the towns of Parouca, Lalim, Iazarim, Peñalva, Gulfar and their dependencies, Knight-Commander of Villacoba, of the Council of His Majesty and General Grand-Field-Master of his armies, and Don Luís de Acuña, Knight-Commander of Santa María of Almendra and of His Portuguese Majesty's Council, who having come to Utrecht, the place designated for the Congress, and having reciprocally examined their full powers, copies of which shall be inserted at the end of this Treaty, after imploring the Divine help, have agreed upon the following articles :

I Article.—There shall be a solid and perpetual peace and a true and sincere friendship between His Catholic Majesty, his descendants, successors and heirs, all his states and subjects on one part, and His Portuguese Majesty, his descendants, successors and heirs, all his states and subjects on the other : which peace shall be firmly and inviolably observed both by land and sea, without permitting any hostility whatever to be committed between both nations in any part and under any pretext, and in the case, not to be expected, that the present Treaty be transgressed in any way, this shall stand, nevertheless, in all its vigor, and said transgression shall be repaired *bona fide*, without delay or difficulty, rigorously punishing the transgressors and restoring all to its former state.

II Article.—In consequence of this peace, all acts of hostility committed hitherto shall be entirely forgotten, so that no subject of the two Crowns shall have any right to demand satisfaction for the damages suffered through the ways of justice, or through any other ; nor shall they be entitled to adduce reciprocally the losses sustained during the present war, and they shall forget everything past as if there had not existed any interruption of the friendship which is now re-established.

III Article.—There shall be amnesty for all persons, both officers and soldiers, and any others that during this war or on account of it, should have changed of service, excepting those having declared for, or engaged in the service of a Prince other than His Catholic Majesty or His Portuguese Majesty, and only those having served His Catholic Majesty or His Portuguese Majesty shall be comprehended in this Article, as well as in the XI Article of this Treaty.

IV Article.—All prisoners and hostages, of either part, shall be promptly restored and set at liberty, without exception, and without demanding anything for their exchange, nor for the expense made by them, provided that they satisfy the private debts that may have incurred.

V Article.—The towns, castles, cities, places, territories and lands belonging to the two Crowns, both in Europe and in any other part of the world, shall be restored wholly and without any reserve whatever ; so that the limits and boundaries of the two monarchies shall stand in the same state in which they were before the present war. And it shall chiefly be restored to the Crown of Spain the towns of Albuquerque and La Puebla with their territories in the state in which they are at present, without His Portuguese Majesty being entitled to claim anything from the Crown of Spain for the new fortifications which have been built, and to the Crown of Portugal the castle of Noudar

with its territory, the island of Verdejo and the territory and Colonia of Sacramento.

VI Article.—His Catholic Majesty shall not only restore to His Portuguese Majesty the territory and Colonia of Sacramento, situated on the northern bank of the River Plate, but shall also cede in his name and in that of all his descendants, successors and heirs all the action and right that His Catholic Majesty pretended to have upon said territory and colony performing the said cession in the firmest and most authentic terms, and with all the clauses required, as if they should be inserted here, so that the said territory and colony may stand comprehended in the dominions of the Crown of Portugal, its descendants, successors and heirs, as making part of its states, with all the rights of sovereignty, of absolute power and of full dominion, without His Catholic Majesty, his descendants, successors and heirs ever disturbing His Portuguese Majesty, his descendants, successors and heirs in the said possession. In virtue of this cession, the provisional Treaty concluded between the two Crowns, the 7th of May, 1681, shall stand without any effect or vigor whatever; but His Portuguese Majesty obliges himself not to consent that any other European nation, excepting Portugal, may establish or trade in the said colony directly or indirectly, under any pretext; and most especially promise not to lend any help or assistance to any foreign nation whatever in the attempt to bring commerce into the lands of the dominion of Spain, which is equally forbidden to the same subjects of His Portuguese Majesty.

VII Article.—Although His Catholic Majesty cedes since now to His Portuguese Majesty the said territory and Colonia of Sacramento, according to the tenor of the preceding article, His Catholic Majesty shall, notwithstanding, be entitled to offer an equivalent for said colony that may be to the pleasure and satisfaction of His Portuguese Majesty; the term of a year and a half, to commence from the day of this Treaty, being fixed for the presentation of said offer, herein declaring that were this equivalent approved and accepted by His Portuguese Majesty, said territory and colony shall belong to His Catholic Majesty as if he had never restored or ceded it, but should said equivalent not be accepted by His Portuguese Majesty, His said Majesty shall remain in possession of said territory and colony as it is declared by the preceding article.

VIII Article.—Orders shall be issued to the officers and other persons commissioned for the reciprocal delivery of the towns, both in Europe and America, mentioned in the fifth Article. And in regard to the Colonia of Sacramento, His Catholic Majesty shall not only send his orders directly to the Governor of Buenos Ayres to perform the delivery, but he shall also give a duplicate of said orders, with so precise a declaration to said Governor that he may not upon any pretext, or unforeseen event, defer its execution, though he may not have still received the first ones. This duplicate, as well as the orders respecting Noudar and the island of Verdejo, shall be exchanged with those of His Portuguese Majesty for the delivery of Albuquerque and La Puebla, through the commissioners that for this purpose shall meet at the boundary of the two Kingdoms; and the delivery of said

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towns, both in Europe and America, shall be made within the term of four months, reckoned from the day of the reciprocal exchange of the said orders.

IX Article.—The towns of Albuquerque and La Puebla shall be restored in the same state in which they are, and with the same quantity of ammunitions of war, number of guns and caliber of these, which they had when they were taken, according to the inventories which of them were made; and the guns, ammunitions of war and victuals which would be found in excess in the said towns, shall be carried to Portugal. All what has just been said concerning the restitution of the ammunitions of war and guns is equally understood with respect to the castle of Noudar and the Colonia of Sacramento.

X Article.—The inhabitants of the said towns and of all the other places occupied during the present war, who might be unwilling to remain, shall be at liberty to retire and to sell and dispose of their movable and landed property at pleasure, and they shall enjoy all the fruits which they should have cultivated and sown, although the lands and messuages be transferred to other possessors.

XI Article.—The goods reciprocally confiscated on account of the present war, shall be restored to their former possessors or to their heirs, these paying previously for all useful improvements; but they shall never have the right to claim from the persons who have hitherto enjoyed said goods, the value of their product from the time of the confiscation until the day of the publication of the peace. And in order that the restitution of said confiscated property may be executed, the interested parties shall be obliged to appear within the term of a year before the respective courts, where said parties shall litigate their rights, and their law-suits shall be judged within the term of another year.

XII Article.—All the prizes made by one or the other party during the course of the present war or in consequence of it, shall be judged as good ones, and there shall not be left to the subjects of the two nations any right or action to ask at any time that said prizes be restored to them, on account of the two Majesties acknowledging the reasons which there have been to make the said prizes.

XIII Article.—For a greater security and validity of the present treaty, the one made between the two Crowns the thirteenth day of February, one thousand six hundred and sixty eight, which stands in its force in all that would not be revoked by the present treaty, is herein confirmed, and the eighth article of the said treaty of thirteenth February, one thousand six hundred and sixty-six is particularly confirmed, as if it were inserted here word for word. And Their Catholic and Portuguese Majesties reciprocally offer to give their orders to the end that ready and complete justice be made to the interested parties.

XIV Article.—The fourteen articles contained in the treaty of settlement made between the two Crowns the eighteenth day of June, one thousand seven hundred and one, are hereby also confirmed, these articles to stand in their force and vigor, as if they were inserted here word for word.

XV Article.—In virtue of all that was stipulated in the aforesaid settlement of the *Asiento* for the introduction of negroes, His Catholic Majesty owes to the persons concerned in the said *Asiento* the sum of two hundred thousand escudos that said persons had advanced to His Catholic Majesty, at the interest of eight per cent from the day of the loan until its complete payment, which makes, reckoning from the seventh day of July, one thousand six hundred and ninety-six, until the sixth day of January, one thousand seven hundred and fifteen, the sum of two hundred and ninety-six thousand escudos, as also the sum of three hundred thousand cruzados, Portuguese money, which reduced, amount to one hundred and sixty thousand escudos. These three sums are reduced by the present treaty to an only one of six hundred thousand escudos, that His Catholic Majesty promises to pay in three equal and consecutive instalments of two hundred thousand escudos each. The first payment shall be made on the arrival of the first fleet, flotilla or galleons which shall arrive in Spain after the exchange of the ratifications of the present treaty, and this first payment shall be applied to the interests due for the advanced capital of the two hundred thousand escudos; the second, on the arrival of the second fleet, flotilla or galleons, and this shall be for the advanced capital of the two hundred thousand escudos; and the third, on the arrival of the third fleet, flotilla or galleons for the three hundred thousand cruzados, valued in one hundred and sixty thousand escudos and the rest of the forty thousand escudos of interest. The necessary sums for these three payments may be carried to Portugal in coined money or in gold or silver bars; owing to which, the advanced sum of two hundred thousand escudos shall not bring interest after the date of the signing of the present treaty; but if His Catholic Majesty does not pay said sum on the arrival of the second fleet, flotilla or galleons, the advanced two hundred thousand escudos shall bring the interest of eight per cent from the arrival of the second fleet, flotilla or galleons until the full payment of said sum.

XVI Article.—His Portuguese Majesty cedes by the present Treaty and promises to cause to be ceded to His Catholic Majesty, all the sums due by His Catholic Majesty in the Spanish Indies to the Portuguese Company of the *Asiento* for the introduction of negroes, excepting the six hundred thousand escudos mentioned in the XV Article of this Treaty. His Portuguese Majesty also cedes to His Catholic Majesty what the aforesaid concerned persons may claim of the inheritance of Don Bernardo Francisco Marin.

XVII Article.—Commerce shall be generally opened between the subjects of the two Majesties, with the same liberty and security enjoyed before the present war; and in proof of the sincere friendship that they desire not only to reestablish but also to increase between the subjects of the two Crowns, His Catholic Majesty grants to the Portuguese nation, and His Portuguese Majesty to the Spanish one, all the advantages in commerce and all the privileges, liberties and exemptions which they may have hitherto granted and shall henceforward grant to the most favored and most

privileged nation of every one that trades in the lands of the dominion of Spain and Portugal, which, nevertheless, is not to be understood but with regard to the lands situated in Europe, on account that the commerce and navigation of the Indies are reserved only to the two only nations on the lands of their respective dominions in America, excepting that which has been lately stipulated in the contract of the *Asiento of Negroes* concluded between His Catholic Majesty and His Britannic Majesty.

XVIII Article.— And as all possible reciprocal damages should, in the good correspondence that is herein established, be prevented; and as in the agreement made between the two Crowns in the time of the King Don Sebastian, of glorious memory, specifying the cases in which the criminals must be delivered from one and the other party and the restitution of the thefts, tobacco could not be comprised, it being unknown when the said agreement was made, although it is now imported and in so much use both in Portugal and Spain that a great profit is drawn out of its monopoly, His Catholic Majesty obliges himself to cause the tobacco of Portugal not to be imported into the lands of the Kingdom of Spain nor in any others of his dominions, be it worked or ground in the said lands or Kingdoms or in any other part; and to give his orders so that all the manufactories of Portuguese tobacco which would be found in the Kingdoms and lands of the aforesaid dominions be destroyed, as also those which might be built; all those guilty of these transgressions being subject to the grave penalties to be imposed upon them, and recommendation of its observance and execution to be made not only to officers of justice but also to officers of war. And His Portuguese Majesty equally obliges himself to cause the same prohibition, and under the same circumstances that His Catholic Majesty, to be made with respect to the tobacco of Spain in the lands of Portugal and any others of his dominions.

XIX Article.— The ships of the two nations, both men-of-war and merchant vessels, may reciprocally enter into the ports of the dominions of the two Crowns where they used to enter in the past, provided that in the largest ports there may not be at the same time more than six men-of-war, nor more than three in the minor ports. And should a larger number of men-of-war of one of the two nations arrive before some port of the other one, those shall not enter it without the permission of the Governor or of the Magistrate. But if obliged by the violence of the storm or by any other pressing necessity, the said ships should come to enter into it without having asked for the corresponding permission, they shall be obliged to give thereupon account of their arrival, and they shall not stay there longer than they were permitted, minding very much not to cause any damage or prejudice to the said port.

XX Article.— Their Catholic and Portuguese Majesties desiring the prompt accomplishment of this treaty, chiefly for the tranquillity of their subjects, it has been agreed that it shall have all force and vigor immediately after the publication of the peace; and that said publication shall be made in the places of the dominions of the two Majesties as soon as possible:

and if after the suspension of arms any transgression would have been committed, a satisfaction of it shall be reciprocally given.

XXI Article.— If on account of any accident (which God forbid) there would be any interruption of friendship or rupture between the Crowns of Spain and Portugal, in such case, the term of six months from the date of the said rupture it shall be granted to the subjects of these two Crowns to retire and sell their goods and effects or to transport them where they would deem it better.

XXII Article.—And as the late Queen of England, of glorious memory, had offered to guaranty the execution of this treaty, and its firmness and duration, Their Catholic and Portuguese Majesties accept the aforesaid guaranty in all its force and vigor for all the present articles in general, and for each one in particular.

XXIII Article.—The same Catholic and Portuguese Majesties shall also accept the guaranty of all the other Kingdoms, Princes and Republics that within the term of six months would be willing to guaranty the execution of this treaty, upon the condition that this be to the satisfaction of both Majesties.

XXIV Article.—All the articles abovewritten have been treated, agreed and stipulated between the aforesaid Ambassadors Extraordinary and Plenipotentiary of the Kings of Spain and Portugal, in the name of Their Majesties; and they promise, in virtue of their full powers, that said articles in general, and each one in particular, shall be inviolably observed, fulfilled and executed by the Kings their Lords.

XXV Article.—The ratifications of the present treaty, given in good and due form, shall be exchanged by one and the other party within the term of fifty days, which shall begin from that of the signing or sooner if possible.

In faith whereof, and in virtue of the orders and full powers that we, the undersigned, have received from our Lords the King of Spain and the King of Portugal, we sign the present treaty and affix to it the seals of our arms.—Done at Utrecht the sixth of the month of February, one thousand seven hundred and fifteen.—THE DUKE OF OSUNA.—COUNT OF TAROUCA.—DON LUIS D'ACUNHA.

#### SEPARATE ARTICLE

By the present separate Article, that shall have the same force and vigor as if it were inserted in the Treaty of peace concluded to-day between Their Catholic and Portuguese Majesties, and which it must be ratified as the treaty itself, it has been agreed by the Ambassadors Extraordinary and Plenipotentiary of both Majesties, that the reciprocal commerce of the two nations be reestablished and may continue after the same manner and with the same securities, liberties, exemptions, franchises, import and export duties, and all the other dependencies, as it was done before the present

war, until any other thing be not settled, and the agreement upon which the commerce between the two nations is to run be declared. In faith, whereof, and in virtue of the orders and full powers that we, the undersigned, have from our Lords the King of Spain and the King of Portugal, we sign the present separate Article and cause the seals of our arms to be affixed to it.—At Utrecht, the sixth of the month of February, one thousand seven hundred and fifteen.—THE DUKE OF OSUNA.—THE COUNT OF TAROUCA.—DON LUIS D'ACUNHA.

Both the Treaty and this Article were ratified by the Catholic King Don Felipe V, at "Buen Retiro," the second of March, one thousand seven hundred and fifteen; and by the King of Portugal Don Juan, at Lisbon, the ninth of the said month and year.

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**Act of Guaranty of George I, King of Great Britain, of the  
Treaty of Peace done at Utrecht, the 6th of February,  
1715, between the Crowns of Portugal and Spain,  
given the 3rd of May of the same year.**

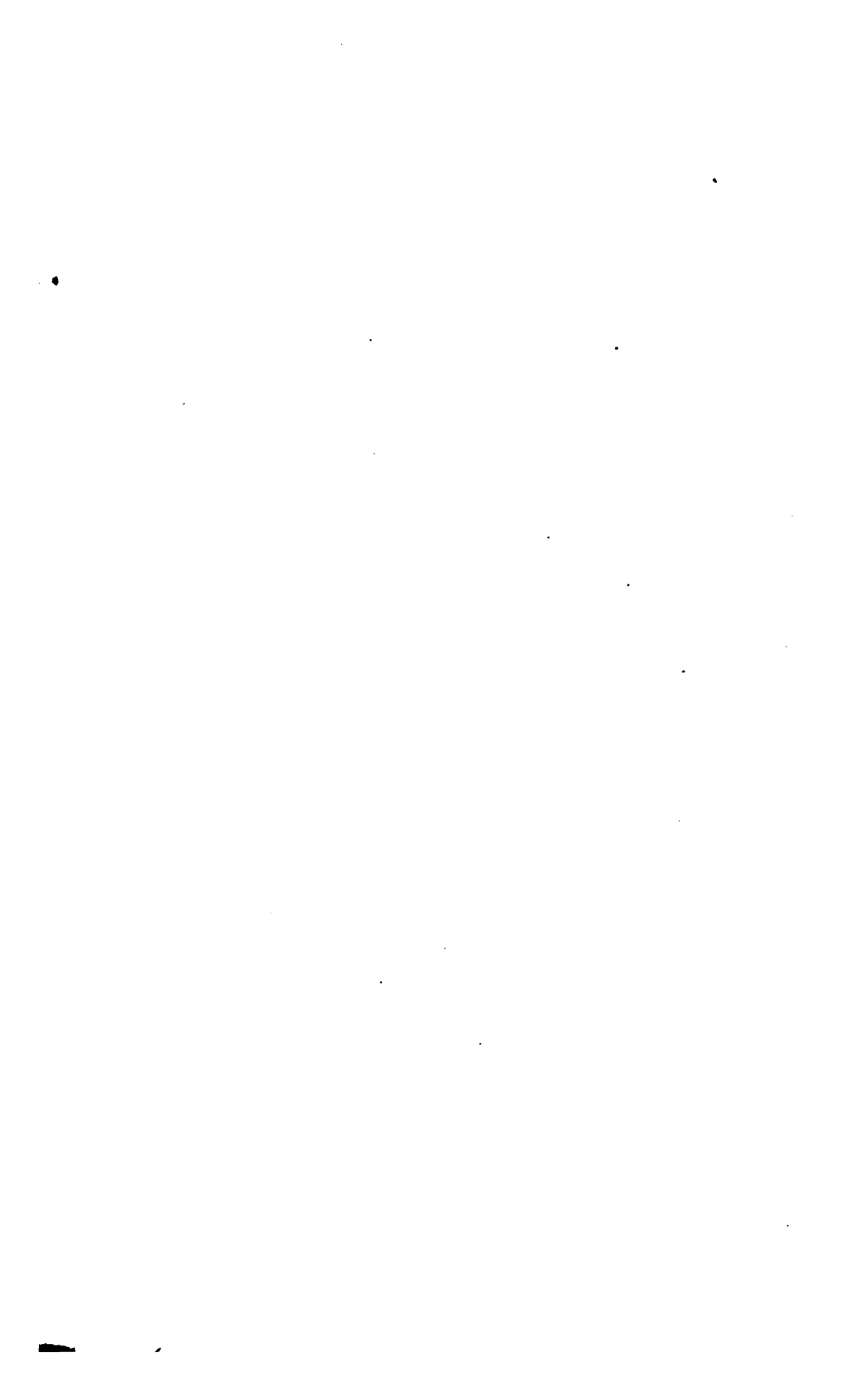
George, by the grace of God, etc., to all, and each one who these present letters should see, Greeting. Whereas the Most Serene King of Portugal has notified us, that peace is established between Him and the Most Serene King of Spain, by a Treaty concluded at Utrecht on the sixth day of the month of February last; and has also invited us, that, pursuant to what the late Queen Anne, of pious memory, our Most Dear Sister and Cousin, undertook, we would engage our promise and guaranty for the performance of the said Treaty, and all and each of the articles thereof. And, whereas Joseph da Cunha Brochado, Ambassador Extraordinary, and Counsellor of the said Most Serene King of Portugal, has, on the part of his Master, delivered to us a copy in due form of the said Treaty, the guaranty or engagement for the performance of which is desired of us, written in the Portuguese language, and being word for word as hereunder follows:

*(Here is inserted the Treaty of the 6th of February, 1715, between the Crowns of Portugal and Spain.)*

We, following the steps of our Royal Ancestors, and being unwilling to decline any offices by which the peace between the said Kings may be promoted, do, therefore, most readily engage in the preservation of the Treaty now established, gladly taking this occasion to satisfy His Royal Majesty of Portugal of our friendship and sincere regard for his person and interests, agreeable to the most strict concord which has always existed between the British and Portuguese Crowns. We, therefore, have made ourselves the guarantee and security of the said Treaty of Peace, as by these

presents, in the most due and ample form, we do make ourselves guarantee and security, thereof, engaging and promising upon our Royal word, to take care (as far as in us lies) that the said Treaty, with all and each of its articles and clauses, shall be sacredly and inviolably observed according to their genuine sense, and that nothing shall be done in anywise contrary thereunto; and that we will be always ready to enter into all such reasonable measures as shall appear most necessarily effectual for preserving the same from all-violation.

In witness whereof, we have caused our great seal of Great Britain to be affixed to these presents, signed with our Royal hand.—Given at Our Palace of St. James, on the third day of May, in the year of Our Lord one thousand seven hundred and fifteen, and first of Our Reign—  
GEORGE, R.



**TREATY OF LIMITS**

**of the Spanish and Portuguese possessions in America,  
concluded between the most Serene Kings of  
Spain and Portugal at Madrid,  
the 13th of January. (\*)**

In the name of the Most Holy Trinity: the Most Serene Kings of Spain and Portugal, efficaciously wishing to consolidate and strengthen the sincere and cordial friendship which binds them, have deemed it as the fittest means to secure so worthy an object, the withdrawing of every pretext and the removal of the difficulties which can hereafter alter it and chiefly those which can occur on account of the boundaries of both Crowns in America, whose conquests have been advanced and entertained with doubt and incertitude, the true boundaries of those dominions, not having been ascertained up to the present, nor the place where the boundary line which was to be the inalterable principle of the demarcation of both Crowns, was to be drawn. And considering the insuperable difficulties which would arise if this line should be marked without the required practical knowledge, they have resolved to examine the reasons and doubts which on both parties, occur and, in consequence of them, to conclude an agreement with reciprocal satisfaction and convenience.

On the part of the Crown of Spain it was adduced, that the line North-South, having to be imagined at the distance of 370 leagues to the West of Cape Verde Islands, according to the treaty concluded at Tordesillas the

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(\*) Collection of Argentine Treaties, V. III, App. p. XXXI, and following—Collection of Treaties of Portugal, etc., accompanying this document, V. III, p. 8, and following.



seventh day of June, one thousand four hundred and ninety-four, all the land which should lie within the 370 leagues from the aforesaid islands to the place where the line was to be traced out, belongs to that of Portugal, and nothing more on this part, because from it to the West the 180 degrees of the demarcation of Spain are to be counted, and although, not having been declared from which one among the isles of Cape Verde the 370 leagues must be counted, the doubt arises, awakening special interest from the fact that all these isles are situated east-west with a difference of four and half degrees, it is also true that even in case that Spain should yield and agree to begin reckoning from the island further West (called of St. Antonio) the 370 leagues shall scarcely reach the city of Pará and the other Portuguese colonies or captaincies formerly founded on the coasts of Brazil; and as the Portuguese Crown has occupied both banks of the river Marañon or Amazons up the river to the mouth of the river Jabrí, which flows into it by its southern bank, it now clearly appears that said Crown has introduced itself through all the distance from said city to the mouth of that river, the same being the case through the interior of Brazil, by this crown's intensions up to Cuyabá or Mattogrosso.

As regards the Colonia of Sacramento, Spain adduced that according to the most accurate maps, the place where the line was to be imagined did not by much reach the mouth of the River Plate, and consequently the said colony with all its territory lies to the West of it and within Spain's demarcation, the new right of Portugal's Crown to its retention in virtue of the treaty of Utrecht, stipulating its restitution for an equivalent, not being an obstacle; and although the Court of Spain offered it within the time designated by the VII Article, Portugal did not admit it, in consequence of which the term was extended, the equivalent having been tendered, as it was, the non-admission being more the fault of Portugal than that of Spain.

On the part of the Crown of Portugal it was adduced that the 180 degrees of its demarcation, having to be reckoned from the line to the East, the other 180 degrees to the West remaining for Spain, both nations agreeing to make their discoveries and colonies on the 180 degrees of their respective demarcation; it appears, however, according to the most exact and recent observations of astronomers and geographers, that, reckoning the degrees to the West of the above mentioned line, the Spanish dominion extends on the Asiatic end of the South Sea many more degrees than the 180 of its demarcation and consequently it has occupied a much larger extension than that which can imply any excess attributed to the Portuguese, wherefore they shall perhaps have settled in South America to the West of the same line and the beginning of the Spanish demarcation.

It was also adduced that, by the deed of sale, with the clause of retro-venta, agreed upon by the attorneys of both Crowns, of Zaragoza, of the twenty-second day of April, one thousand five hundred and twenty-nine, the Crown of Spain sold to that of Portugal all that, by any cause or right, might belong to it to the West of another meridian line imagined by the Velas' Islands situated on the South Sea, at 17 degrees from the Maluco,

with the declaration that should Spain consent and not forbid to its subjects the navigation of the aforesaid line to the West, the fact of retro-venta would thereupon become extinguished and void, and that whenever any subject of Spain, either through ignorance or necessity should go into it and discover some islands and lands, all the territory thus discovered was to belong to Portugal. That, notwithstanding this covenant, the Spaniards went afterwards to discover the Philippine Islands, and in fact they established themselves therein a little before the union of both Crowns, which was performed in 1580, on account of which the disputes, by this infraction aroused, between both nations, ceased, but having afterwards separated, it followed from the conditions of the deed of Zaragoza, a new title for Portugal to claim the restoration or the equivalent of all that the Spaniards had occupied to the West of the aforesaid line in opposition to that agreed by the said deed.

As regards the territory on the northern bank of the River Plate, it adduced that, on account of the settlement of the Colonia of Sacramento, a dispute about boundaries arose between both Crowns, that is to say, whether the land, on which that town was founded, was to the East or West of the boundary line determined at Tordesillas, and pending the decision of the question, while a provisional treaty was concluded at Lisbon, the seventh day of May, one thousand six hundred and eighty-one, in which it was agreed that the mentioned town should remain in possession of the Portuguese, and that in the questioned lands they should enjoy its use and advantages, in common with the Spaniards; that by Article VI of the peace celebrated at Utrecht between both Crowns, the sixth day of February, one thousand seven hundred and fifteen, His Catholic Majesty resigned all the title and right which he could have to the territory and colony, the aforesaid provisional treaty being thus declared as cancelled in virtue of this cession; that all the territory in dispute to be, in consequence of said cession, delivered to the Crown of Portugal; the Governor of Buenos Ayres attempted to consider the mere delivery of the town as sufficient fulfilment, alleging that by territory he only understood that part of it comprised within cannon-shot from the town, reserving to the Crown of Spain all the remaining land in dispute, on which the town of Montevideo and other settlements were afterwards founded; that this interpretation by the Governor of Buenos Ayres, was openly contrary to the agreement, being evident, that on account of a cession, the Crown of Spain should not stand in a position better than it enjoyed before, as to the object ceded; that both nations, having remained, in virtue of the provisional treaty, in possession and in a position of mutual help in those lands, there is no more violent interpretation than the supposition that they, through His Catholic Majesty's cession, did exclusively belong to his Crown; that that territory, being an appurtenance of Portugal by a title apart from the boundary line, determined at Tordesillas, it is of justice that, in consequence of the settlement of the treaty of Utrecht, in which His Catholic Majesty resigned the rights derived from the former demarcation, that territory, independent of all questions

as to the line, should be entirely ceded to Portugal, including everything lately built on it, as if made on foreign ground. Finally, that even supposing that by the VII Article of the aforesaid treaty of Utrecht, His Catholic Majesty reserved his liberty to propose an equivalent to H. M. F. M's satisfaction for the mentioned territory and colony, as the term appointed to offer it expired many years ago, every pretext and motive even of bare appearance to delay the delivery of the said territory has ceased.

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These reasons seen and examined by both Most Serene Monarchs, with the objections made by both parties, proceeding with that *bona fide* and sincerity which become Princes so just, friends and relatives, wishing to maintain their subjects at peace and tranquillity and acknowledging the difficulties and doubts which will always make troublesome this dispute, were it to be judged after the demarcation accorded at Tordesillas, either because it was not declared from which of the Cape Verde Islands was to begin the reckoning of the 370 leagues, either on account of the difficulty of pointing out on the coasts of South America the two points to the South and North whence the line was to commence, as well as on account of the moral impossibility of establishing with accuracy through the middle of the said America a meridian line, as on account of many other obstacles, almost insuperable, which shall prevent the conservation, without controversy or excess, of a demarcation regulated by meridian lines; and considering at the same time that the above-mentioned obstacles were perhaps, in former times, the chief motive of the excesses which both parties denounced, and of the many disorders that disturbed the quietness of their dominions, they have resolved to put an end to all past and future disputes and to forget and not to use all titles or rights which might belong to them in virtue of the said treaties of Tordesillas, Lisbon and Utrecht, as well as of the deed of Zaragoza or any other fact or argument apt to bear upon the division of their dominions by a meridian line; and it is their wish that this subject shall not be further argued upon, the boundaries of both monarchies, to be fixed by the present treaty, their mind being that this treaty shall carefully contrive two ends, the first, and the chief one, being to fix the boundaries of both dominions, using for boundaries, to avoid all confusion and dispute, the best known places, such as the river, sources and their course, and the most remarkable mountains; the second end being that each party is to keep what it actually holds, excepting the mutual cessions to be opportunely stated which shall be executed by mutual agreement. And in order that the boundaries may remain as far as possible less subject to controversies, and to decide upon and mark out the boundaries, the Most Serene Kings have given to their ministers on one and the other party, the full necessary powers which will be inserted at the end of this treaty, viz., H. C. M. to H. E. Señor Don José de Carvajal, of Lancaster, Lord of the Chamber in exercise, State Minister and Senior of this Council, Governor of the Supreme Council of Indies, President of the Board of Commerce and Coins, and General Superintendent of the Post Department and Post-offices in

Spain and its possessions ; and H. M. F. M. to H. E. Señor Don Tomás de la Silva, of Tellez, Viscount of Villanueva de Cerveira, of the Council of H. M. F. M. and that of War, Maestre de Campo, General of his army and his Ambassador Extraordinary at the Court of Madrid, who after having deliberated upon and treated the affair with due circumspection and disquisition, well instructed about the mind of both Most Serene Kings, their Masters, and following their orders, they have agreed upon the contents of the following articles :

I Article.—The present treaty shall be the only basis and rule to be henceforth followed for the division and boundary of the dominions in all America and Asia, and in virtue thereof, any right and title which might be adduced by both Crowns on account of the Bull of Pope Alexander the VI, of happy memory, shall remain as void as well as the treaties of Tordesillas, Lisbon and Utrecht, the deed of sale drawn at Zaragoza, and whatever treaties, agreements and promises, which inasmuch as they concern the line of demarcation, shall be of no value and effect as if they have not been agreed upon, the rest of the treaties remaining in full force and vigor; the question to as the above-mentioned line to be for the future dismissed, and all argument based on it to be discountenanced in the decision upon the boundaries that might occur, the frontiers prescribed in the present articles being the only and invariable rule, by no means subject to controversies.

II Article.—The Philippine Islands and the adjacent ones which are possessed by the Crown of Spain shall belong for ever to it, notwithstanding whatever pretension that might be adduced on the part of the Crown of Portugal, upon the basis of the decisions of the aforesaid Treaty of Tordesillas, nor the stipulations contained in the deed drawn at Zaragoza, on the twenty-second day of April, one thousand five hundred and twenty-nine, the Crown of Portugal being forbidden to claim any part of the price which was paid for the sale recorded by that deed, in consequence whereof H. M. F. M. in His name and that of his heirs and successors, makes the most ample and formal resignation of whatever right and title he may derive from the aboved-mentioned principles, or from any other source, to the aforesaid islands, as well as to the restitution of the amount paid in virtue of said deed.

III Article.—It will likewise belong to the Crown of Portugal all the territory now under its name, along the river Marañon or Amazons and the land on both banks of said river up to the places to be later mentioned, as well as all that it now occupies in the district of Mattogrosso and from this place towards the East and Brazil, notwithstanding whatever pretension that might be adduced on the part of the Crown of Spain, as the fulfilment of the decision of the aforesaid Treaty of Tordesillas, to which effect H. C. M. in his name, and that of his heirs and successors, formally yields and resigns every right and title which in virtue of said treaty, or on any other basis, may have to the referred territories.

IV Article.—The boundaries of the dominions of both monarchies shall begin from the bar on the sea coast, laid by the stream, following at the foot of Castillos Grandes Mountain, from the slope of which the frontier shall con-

tinue following on a right line the highest ground or summits of the mountains the springs of which descend on one side to the coast running to the North of said stream or to Lake Merin or of the Miné, and on the other to the coast, running to the South or the River Plate, so that the summits of the mountains may serve as boundary to the dominion of both Crowns, and thus the frontier shall continue until it finds the main source and head springs of the River Negro, going on along them up to the principal source of the River Ybicuí, down the stream of this river to its outlet in the Uruguay, by its eastern bank, remaining for Portugal all the springs descending to the above-mentioned lake or the Rio Grande de San Pedro to be owned by Portugal, and those descending to the rivers, flowing into that of the River Plate, to be owned by Spain.

V Article.—It shall ascend from the mouth of the Ybicuí through the waters of the Uruguay until it finds the mouth of the River Pepirí or Pequirí, which flows into the Uruguay on its western bank, and shall continue up the stream of the Pepirí to its principal source, from which it shall continue through the highest ground to the main head spring of the nearest river which flows into the Grande of Curitiba, otherwise called Yguazú, through the waters of the said river nearest to the source of the Pepirí, and afterwards through the waters of the Yguazú or Rio Grande of Curitiba, the line shall continue up to where the said Yguazú flows into the Paraná on its eastern bank, and from this mouth shall continue up the Paraná to the place where the River Ygureí joins it on its western bank.

VI Article.—From the mouth of the Ygureí, it shall continue up the stream until it finds its main source and from this it shall follow in a right line through the highest ground the main spring of the nearest river that flows into the Paraguay by its western bank, which may be the one called Corrientes, and shall descend with the waters of this river until its entrance into the Paraguay, from the mouth of which it shall ascend through the main channel, left by the Paraguay in dry weather and thence through its waters until it find the swamps formed by this river, known as the Xarayés Lake, and passing across this lake up to the mouth of River Jaurú.

VII Article.—From the mouth of the river Jaurú, on the western side, the frontier shall continue in a right line up to the southern bank of the river Guaporé, opposite to the mouth of the river Sacaré, which flows into the said Guaporé by its northern bank; but should the Commissioners to be appointed for the settlement of the boundaries on this part find on surveying the ground between the rivers Jaurú and Guaporé, some other rivers or natural boundaries through which the line on that place might be more easily determined, and with greater accuracy, with the permanent exception of the navigation of the Jaurú, which is to belong exclusively to the Portuguese, and the route usually traveled from Cuyabá to Mattogrosso, the two high contracting parties consent and approve that it be thus settled, without regard to the larger or minor portion of land which might remain to one or the other. From the place to be marked out as the end of the line on the southern bank of the Guaporé, as it has been explained, the frontier shall descend all along the current of the river Guaporé until it leaves behind the point of its confluence with the river

Mamoré, which has its source in the province of Santa Cruz de la Sierra, and crosses over the Mission of the Mojos, forming together the river called de la Madera, which drains into the Marañon or Amazons by its southern bank.

VIII Article.—It shall descend through the waters of these two rivers already joined until the spot placed at equal distance from the aforesaid river Marañon or Amazons and the mouth of the above-mentioned Mamoré ; and from said spot it shall continue by a line eastwest until it finds the eastern banks of the river Jabarí, which drains into the Marañon by its southern bank and descending by the waters of the Jabarí from where it flows into the Marañon or Amazons it shall continue down the stream of this river up to the most western mouth of the Japurá, which drains into it by its northern bank.

IX Article.—The frontier shall continue along the river Japurá and through the rest of the rivers that may flow into it and running nearer to the north until it finds the summit of the ridge lying between the river Orinoco and the Marañon or Amazons, and it shall continue over the summits of these mountains towards the East until the end of the dominion of both monarchies. The persons appointed by both Crowns to settle the boundaries, according to is prescribed by the present article shall pay particular attention to mark out what the frontier on this part ascending up the stream from the most western mouth of the Japurá, in order that the settlements which the Portuguese may have at present on the banks of this river and that of the Negro may be left covered, as well as the communication or channel which they make use of between these two rivers ; not leaving any cause for the Spaniard, under any pretext or interpretation, to enter into them or into the said channel, neither the Portuguese to ascend towards the Orinoco or extend toward the provinces settled by Spain, nor on the uninhabited places which are to belong to it, according to the present articles, to which effect the boundary shall be marked out by the lakes and the rivers, making the boundary line as straight as possible to the North, without regard to the larger or minor portion of ground which may remain to one or the other Crowns, provided that the expressed purposes be attained.

X Article.—All the islands that might be found to exist in any of the rivers through which the line is to pass, according to what has been prescribed by the preceding article shall belong to the dominion to which they should be nearer in dry weather.

XI Article.—At the same time that the Commissioners appointed by both Crowns are marking out the boundaries on the whole frontier they shall note all observations required, each to draw a map of the whole of it, from which the number of copies which may be deemed necessary shall be drawn, signed by all, to be kept by both Courts ; should any dispute occur in future on account of some infraction, in which case, and in any other, they shall be had as authentic and they shall avail as full proof, and to make the least doubt impossible, the aforesaid Commissioners shall put names by common agreement to the rivers and mountains that may not have it, marking it all in the map with all possible details.

XII Article.—In attention to the common convenience of both nations

and to avoid all sorts of disputes in future the mutual cessions contained in the following articles have been settled and adjusted.

XIII Article.—H. M. F. M. in His name and that of His heirs and successors give up for ever to the Crown of Spain the Colonia of Sacramento and all its adjacent territory on the northern bank of the River Plate up to the boundaries declared in the IV Article, and the towns, ports and settlements which are comprised on the same place, as well as the navigation of the said River Plate, which will wholly appertain to the Crown of Spain; and in order that it may have effect H. M. F. M. resigns all the right and action which was reserved to His Crown by the provisional treaty of the seventh day of May, one thousand six hundred and eighty-one, and the possession, right and action to which he is entitled and might fall to his share in virtue of Articles V and VI of the treaty of Utrecht, of the sixth of February, one thousand seven hundred and fifteen, or by any other agreement, title or source.

XIV Article.—H. C. M. in His name and that of His heirs and successors give up forever to the Crown of Portugal all that on the part of Spain is occupied, or that by any title or right may belong to him on any part of the lands that by the present articles are declared as appertaining to Portugal from the Castillos Grandes mountains and their southern slope and sea shore up to the head spring and main source of the river Ybicui, as it also cedes all the towns and settlements that may have been made on the part of Spain, on the corner of land comprised between the northern bank of the river Ybicui and the eastern of the Uruguay, and those which may have been founded on the eastern bank of the river Pepirí and the town of Santa Rosa, or any other town, whatever that may have been founded on the part of Spain on the eastern bank of the river Guapore. And H. M. F. M. cedes, in the same manner, to Spain all the land lying from the western mouth of the river Japurá, placed at the middle between the same river and the Marañon or Amézons and all the navigation of the river Yza; and all that follows from this last river to the west, with the town of San Cristobal, and any other that on the part of Portugal could have been founded on that portion of land, the mutual deliveries to be made under the following conditions:

XV Article.—The Colonia of Sacramento shall be delivered on the part of Portugal without taking out of it but the artillery, arms, gun-powder and ammunitions and vessels in the service of the said town, the inhabitants being free to remain or to move to other lands of the Portuguese dominions with their effects and movable property, all lands to be sold before removing. The Governor, officers and soldiers shall also take with them all their effects and shall have the same liberty of selling their landed property.

XVI Article.—The missionaries shall leave the towns or villages which H. C. M. cedes on the eastern bank of the river Uruguay, carrying with them their movable property and effects, and taking with them the Indians to settle on other lands of Spain; and the aforesaid Indians are also allowed to carry all their movable goods and their arms, gun-powder and ammunition, this being the way in which the town shall be delivered to the Crown of Portugal with all its houses, churches and buildings, and the ownership and posses-

sion of the land. Those which are ceded by Their C. and M. F. Majesties on the banks of the rivers Pequiri, Guaporé and Marañon, shall be delivered under the same stipulations as the Colonia of Sacramento, as it is prescribed by Article XIV and the Indians of both parties shall have the same liberty to leave or to remain in the same manner and under conditions equal to those prescribed for the inhabitants of that town, saving that those which should leave, will lose their landed property.

XVII Article.—In consequence of the frontier and boundaries determined by the preceding articles, the Castillos Grandes mountain with its southern slope shall remain for the Crown of Portugal, and it shall be entitled to fortify it maintaining there a guard, but it is not authorized to settle it, both nations keeping the right to the common use of the bar or creek therein formed by the sea, referred to in Article IV.

XVIII Article.—The navigation of that part of the rivers through which the frontier is to pass shall be common to both nations, and, generally, where both banks of the rivers may appertain to one of the two Crowns, the navigation shall be exclusively its own, the same thing to be understood of the part of the said rivers, being common to both nations where the navigation be so, and exclusive where the said navigation belong to one of them. And with respect to the summit of the ridge of mountains which is to serve as boundary between the Marañon and Orinoco, all the springs falling to the Orinoco, shall belong to Spain, and to Portugal those running to the Marañon or Amazons.

XIX Article.—Along the whole frontier the trade between nations is forbidden and will be treated as smuggling, the laws of both Crowns on the subject, remaining in full force and vigor; besides this prohibition, nobody shall pass from the territory of one of the nations to that of the other by land or sea, nor sail on the whole or a part of the river not belonging exclusively to his nation or common to them, upon any pretext or motive, without first obtaining leave from the Governor or superior of the place where he is going, the case excepted in which he should be sent by the Governor of his territory to treat of any affair, in which case he shall take with him a passport; the transgressors will be punished, with this distinction; if they be apprehended in foreign territory they shall be put into prison and shall remain in it, for the time willed by the Governor or superior which caused them to be apprehended; but if they be not seized, the Governor or superior of the territory where they should enter, shall institute legal proceedings, with the justification of the persons and of the transgression and with it he shall require from the judge the transgressor's punishment under the same form; those sailing on the rivers through which the frontier runs who might be obliged to set foot on the foreign territory for any urgent necessity, are excepted from the aforesaid penalties, provided that they prove their allegation; and in order to prevent all occasion of discord, it is declared illicit to raise any kind of fortification on the rivers of common navigation or on its banks, nor to place register vessels or artillery or to establish force which in any way may hinder the free and common navigation. It will neither be licit for any of the parties to visit, register nor oblige the vessels of the opposite bank to go to theirs and they



shall only have authority to prevent and punish the subjects of the other nation should they arrive to their banks, excepting the case of indispensable necessity as it has been stated.

XX Article.—In order to avoid some prejudices which are likely to occur, it was agreed that on the mountains where, according to the preceding articles, the boundary be fixed along their summits, it will not be licit for any of the two powers to build fortifications over the said summits, nor to allow their subjects to build town on them.

XXI Article.—War being the principal source of abuse and the cause of altering the best concerted rules, Their G. and M. F. M. wish that should war break out (which Lord forbids) between both Crowns, those subjects of both, established in all South America, shall keep the peace, both living as if there were no such a war between their sovereigns, without showing to each other the least hostility neither by themselves nor together with their allies. And the promoters and leaders of whatsoever invasion, trifling as it may be, shall be irremissibly punished with capital penalty, and whichever prize they may make shall be fully restored *bona fide*. And likewise neither of both nations shall permit the free use of their ports, and less the passage through their territories of South America to the other's enemies, when they may attempt to avail themselves of them in order to hostileize it, though it occur at a time when both nations might be at war in another region. The aforesaid continuity of everlasting peace and good neighborhood shall not only exist in the lands and islands of South America between the neighboring subjects of both monarchies, but also in the rivers, ports and coasts and in the ocean sea from the southern extremity of the island of San Antonio, one of the Cape Verde, towards the South, and from the meridian which passes by its western extremity towards the West; so that to no man-of-war, corsair or any other vessel of either Crown be it licit ever, within the aforesaid terms, to fall upon, insult or cause the least damage to the vessels and subjects of the other, and of whichever attempt that in opposition should be committed, a prompt satisfaction shall be given, fully restoring what should have been seized, and severely punishing the transgressors. And further, neither of both nations shall admit in their ports and lands of said South America, vessels or friendly or neutral traders knowing that they intend to introduce their commerce into the lands of the other and to transgress the laws with which both monarchs govern those dominions. And for the exact observance of all that has been mentioned in this article, both Courts shall make the most efficient recommendations to their respective Governors, Commanders and Justices, it being understood that even in the case (which it is not to be expected) that there should be any incident or negligence against what has been promised or stipulated in this article, such a negligence or incident will not be an obstacle to the everlasting and inviolable observance of all the rest that by the present treaty is settled.

XXII Article.—In order to determine with greater precision and without affording occasion to the least future doubt, in regard to the places through which the line is to pass on some parts which are distinctly named

and specified in the preceding articles, as well as to declare to which of both dominions are to belong the islands which might be found in the rivers to be used as frontier, both Majesties shall appoint as soon as possible intelligent Commissioners, who, while surveying the whole line may fix with utmost precision and clearness, places through which the demarcation is to run in virtue of the stipulations of this treaty, setting landmarks on the places which they should deem convenient and that on which they should agree shall ever be valid in virtue of the approbation and ratification of both Majesties, but in case that they would not agree on any place, they shall impart knowledge to the Most Serene Kings in order to decide the doubt on just and convenient terms, it being understood that what the said Commissioners should leave unsettled, shall not impair in any way the vigor and observance of the present treaty which, independent of this, shall remain firm and inviolable in its clauses and determinations, serving in future as a fixed, everlasting and inalterable rule for the boundaries of the dominion of both Crowns.

XXIII Article.—The day in which the mutual delivery of the Colonia of Sacramento and adjacent territory and of the lands and towns comprised in the cession that Her Catholic Majesty makes on the eastern bank of the river Uruguay, will be agreed upon between both Majesties, such day not to be further than a year after the signing of this treaty, to which effect His Catholic and Most Faithful Majesty shall give, after the ratification of the treaty, the necessary orders to be exchanged by the said plenipotentiaries, and with regard to the delivery of the rest of the towns or villages which are ceded by both parties, it shall be performed at the time in which the Commissioners appointed in its consequence may arrive to the places of their situation, to investigate and establish the boundaries, those which are to go to those places to be dispatched sooner.

XXIV Article.—It is declared that the cessions contained in the preceding articles shall not be reputed as a corresponding equivalent to one another, but they are made with respect to the total of what was disputed and adduced, or to what was reciprocally ceded, and to those conveniences and advantages which at present resulted to both parties and to this effect the concord and determination of boundaries which has been expressed, was reputed just and convenient to both, and as such they are acknowledged and approved by Their Majesties, in their name and that of their heirs and successors, resigning every other pretension in opposition to it, and in the same manner promising that at no time and upon no cause, that which is settled and agreed in these articles, shall be disputed either under a pretext of damage or any other, shall they pretend another compensation or equivalent of their mutual rights and referred cessions,

XXV Article.—For a further security of this treaty both high contracting parties agreed to give to each other guaranty for all the frontier and adjacencies of their dominions in South America, as it has already been expressed, obliging themselves to help and succor each other against whatever attack or invasion, until He may effectively rest in the peaceful

possession and free and full use of that which He was intended to be bereft of; and this obligation, with regard to the sea coasts and neighboring countries, on the part of Her Most Fairhful Majesties, shall extend up to banks of the Orinoco on both sides and from Castillos to Magellan's Strait, and on that of Her Catholic Majesty it shall extend to the borders of both banks of the river Amazon or Marañon, and from the mentioned Castillos to the port of Santos. But with regard to the interior of South America, this obligation shall be indefinite, and in any case of invasion or insurrection both Crowns shall help and succor each other until affairs may reach a peaceful settlement.

XXVI Article.—This treaty with all its clauses and determinations shall be in everlasting vigor between both Crowns, so that, in the case (which God forbid) that war be declared, it shall remain firm and invariable during the same war and after it, without ever being possible to repute it as interrupted or in need of revalidation, and it shall at present be approved, confirmed and ratified by both Most Serene Kings, and its ratifications exchanged within a month from its date, or sooner if it were possible.

In faith whereof, and in virtue of the orders and full powers which we the aforesaid plenipotentiaries, have received from our masters, we sign the present treaty and we seal it with the seal of our arms. Given at Madrid, the thirteenth day of January, one thousand seven hundred and fifty.—JOSE DE CARVAJAL Y LANCASTER.—VISCOUNT TOMAS DE LA SILVA Y TELLEZ.

**Treaty by which the Ministers Plenipotentiaries of Their  
Most Faithful and Catholic Majesties adjusted and de-  
termined the instructions which were to guide the  
Commissioners of the two Crowns in the demar-  
cation of their respective boundaries in  
South America, in execution of  
the treaty of boundaries. (\*)**

In the name of the Most Holy Trinity : The Most Serene Kings of Portugal and Spain having happily concluded the treaty of boundaries of their dominions in America, signed at Madrid the thirteenth day of January of the year one thousand seven hundred and fifty and duly ratified ; and desiring that the frontier be established with the greatest details and precision, so that henceforth there may be no room nor motive for the least dispute, they agreed by the XXII Article of the said treaty, that Commissioners be appointed by both parties; in order to adjust with the greatest clearness the places through which the line and demarcation are to run according to what is expressed in the said treaty and article : and afterwards, in virtue of the too large extent of land which is to be conveyed and marked out, they agreed that two parties of Commissioners should go, one through the river Marañon or Amazons and the other through the River Plate, whose powers have been issued and which shall be inserted at the end of this instruction, appointing each on his part persons of confidence, intelligence and zeal, so that concurring with those of the other part they may establish the boundaries in the adjusted form. And wishing that it be performed with the union and good faith which correspond to the

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(\*) *Coleccion de Tratados etc. de la República Argentina* previously referred to Vol. III, Appendix, p. 47.

sincerity of their intentions, they resolve to instruct the said Commissioners of what they are to execute, in the practice of the cases that can be obviated, also giving them the rules so that they may by themselves decide those which should not be foreknown, to which effect, we, the undersigned Ministers of Their Most Faithful and Catholic Majesties, making use of the full powers which have been conferred upon us, for the principal treaty, its execution and fulfilment, well instructed of the intentions of the Most Serene Kings, our masters, have agreed upon the present articles, that the Commissioners of the two Crowns who are to go through the River Plate shall wholly and thoroughly observe.

I Article.—The Portuguese Commissioners shall go to some of the places of the district of Rio Grande of San Pedro ; and the Spanish ones shall sail directly for Buenos Ayres. As soon as one of the Commissions arrive to its destination, they shall give notice of their arrival to the other, advising it of the time at which, more or less, they can be ready to pass over to Castillos Grandes, which shall be the place for the conferences, regulating their journey according to the news which would be communicated to them in reply. And considering that the Commissioners of both parties shall not arrive at the same time but by chance, and that, on account of there being no communication among those colonies, it being very difficult for one Commission to hear from the other, the first to arrive shall advise the Governor of the place where the other is to go, so that he shall notify the latter, and these may advise the former in the manner determined by this article.

II Article.—At the same time the Portuguese shall forward the orders of His Most Faithful Majesty to the Governor of the Colonia of Sacramento, in order to prepare the evacuation of that town and its post and settlements on the River Plate, and the Spaniards shall transmit to the Governor of Buenos Ayres, to the Provincial of the order of Jesuits of the province of Paraguay and to the Superior of their Misiones on the banks of the Uruguay and Paraná, the orders which His Catholic Majesty shall address to them, to the end of preparing the evacuation of the territory and towns of the eastern bank of the river Uruguay with all possible brevity, the ones and the others endeavoring to get beforehand approximate notice of the time, at which the one and the other evacuation shall be ready, to agree afterwards upon the day in which the mutual deliveries are to be made.

III Article.—Each party, before departing from its first destination for Castillos Grandes, shall take, on its territory, notice of the escorts, Indians of service, provisions, arms, war stores, and ammunitions which may be taken thereof, and in what time, so that the Commissioners of both parties meeting afterwards may regulate the number and quantity that they may need and the place and manner of conducting them, which shall be performed by the Governors in virtue of the advice to be communicated to them by the chief Commissioner of their nations, to which effect Their Majesties shall send them the corresponding orders, detailing that which is to be taken out for the general necessities and the places where it is to be found, as well as that which is to

be sent to the Governors with a certified account, by which the amount of the principal and of its conduction, is to be justified, in order that the settlement of the boundaries once ended the account of what might have been supplied by each of the parties may be made and the excess paid in ready money.

IV Article.—As soon as the Commissioners meet at Castillos Grandes, they shall cause a wooden house or a tent, to be raised on land of both dominions, according to the stipulation in the treaty, which house or tent will be used for the conferences. There will be two opposite entrances, so that the Commissioners of each nation shall enter by the land pertaining to his Sovereign : there will be a round table with two chairs for the principal Commissioners, the back of each chair to face the entrance of each one of them. In case that for the brief despatch of the matter to be treated in this house, the principal Commissioners should be willing to admit the seconds and thirds to the conferences, they are empowered to do it, in which case the number of chairs shall be increased in the same manner, the table being placed so that the Commissioners shall face each other, with the principals in the middle.

V Article.—In these conferences and in all others visits of courtesy and upon the ceremonial of which, doubts might occur as to preference, they shall not give occasion to disputes nor complaints, endeavoring rather to agree as if they were vassals of the same Sovereign, having in mind that the honor of both Crowns, is not touched by these. but that they have as only object the principal end, which is the execution of the treaty.

VI Article.—In case that, from the investigation to be made by the Commissioners as to the time about which the evacuation of the towns, villages and settlements ceded by both parties shall be prepared, as they are advised of by the II Article of this instruction, it should result that the appointment of a fixed day to effect it could not be made with sufficient certainty, each of the Commissioners shall send to the territory which is ceded to him and is to belong to his Sovereign, according to the treaty, some persons to examine if all is ready and prepared for the delivery ; and, this information presented, they shall appoint the fixed day in which it is to be performed by either party, giving sufficient time and issuing the necessary orders so that the respective inhabitants may gather their pending crops and remove the goods which they might wish to take with them.

VII Article.—And whereas the two Most Serene Monarchs desire that the inhabitants of the lands to be reciprocally delivered may receive the least possible damage in those things which they would not or could not take away with them, the chief Commissioners shall agree upon the most convenient manner, so that the same persons which are intrusted with investigating whether the mutual deliveries are being prepared, as it is mentioned in the preceding article, may take for their just price that which they would esteem useful for the service of one and the other Crown ; the value of that taken on one side being compensated by that taken on the other and the excess being paid by the Crown which should appear as the debtor, to which effect the lists of that which would have been taken by both parties shall be compared; and it shall be of account of the Crowns to pay, their amount to their own subjects. And consider-

ing that in the Colonia of Sacramento and in the other settlements of the River Plate which the Crown of Portugal is to deliver, there shall be many more moveable goods of difficult transportation than in the towns of the river Uruguay which is to deliver that of Spain, and that the latter or the greater part of them shall not be useful for the service of His Catholic Majesty, the chief Commissioners of Spain shall give notice in Buenos Ayres and Montevideo, so that those willing to buy what the residents of the colony and those of the said settlements should like to sell them, for prices which they would agree, may concur.

The commercial goods which may be found shall be excepted, notwithstanding, of this sale between countrymen, their owners wishing, therefore, to sell them. they shall be appraised and taken on the part of His Catholic Majesty for the just and current prices, without any one's interference in these sales; the arms, artillery and war ammunitions which the two Crowns may have in the ceded dominions, according to what is stipulated in the XV and XVI Articles, shall also be excepted of this disposition.

VIII Article.—The chief Commissioners shall despatch three parties of under-commissioners, astronomers, engineers and geographers with their chaplains, surgeons, escorts and service men which they would agree, according to the country which they are to pass, each Commissioner appointing those to travel on his part, so that those of both nations may go together to survey the frontier from Castillos Grandes to the mouth of the river Jaurú according to the treaty and to this instruction. Each party shall take with it two copies of the treaty printed in both languages, a chart of the part of the boundaries to be surveyed by the party and passports signed by the two Commissioners.

IX Article.—The first party shall survey from Castillos Grandes to the draining of the River Ybicui into the Uruguay, as it is prescribed in the IV Article of the treaty. The second shall survey the boundary running from the mouth of the Ybicui to the place which on the eastern side of the Paraná lies opposite to the mouth of the River Ygurei, according to the V Article. The third shall survey the bounds which may lie from the mouth of the Ygurei to the River Jaurú in the manner set out in the VI Article.

X Article.—And whereas in some charts the name and situation of the River Ygurei, pointed out to serve as frontier on the western bank of the Paraná appear changed, it is declared that the first river carrying much water which would flow into the Paraná on the western bank upwards of the great fall of the said Paraná is to serve as frontier.

And though this river may not be called Ygurei it shall be used as boundary under the name it might have, or a name shall be put to it by common consent; and from its mouth shall the third party proceed to mark out the boundaries up to the mouth of the River Jaurú, as it has been said.

XI Article.—When this third party should reach the mouth of the river which is supposed to be the Ygurei, it shall leave on it a sign as visible as possible, either heaping stones or cutting trees to a certain height in order that the Commissioners of the second party, on following the frontier along the opposite

bank of the Paraná, may know by that sign that the work on the part which they are charge of, is ended.

XII Article.—The third party which is to leave this monument and to go against the stream of that river which shall be had as the Ygurei, on reaching its principal source, shall search for the most neighboring springs which may run towards the Paraguay, or those of which the river that in the several charts is seen with the name of Corrientes, is formed, or any other which may flow out from that place, and down the stream, from these springs, and the same party shall mark out the frontier until the Paraguay; and it is declared that this river, believed to be the River Corrientes, is not the one known by this name which drains into the River Plate, upwards of the city of Santa Fé, between the Rivers Arias and Santa Lucía, but a different one which to the North of the Tropic of Capricorn drains into the River Paraguay, and which according to the manuscript chart which shall be delivered to the Portuguese Commissioner, runs from the southern bank of the River Tapaú.

XIII Article.—The three referred parties shall have for their destinations, the first from the shores of Castillos Grandes; the second sailing up the River Ygurei; the third sailing by the Rivers Plate and Paraná up to the Salto Grande.

XIV Article.—As regards the proceedings of the evacuation and delivery of the towns which the Catholic King has ceded to the Crown of Portugal on the eastern bank of the River Uruguay, and to the evacuation and delivery which this Crown is to make of the Colonia of Sacramento and other ports and settlements of the River Plate, they shall observe accordingly the stipulations of the XV and XVI Articles of the referred treaty. And whereas in the XVI Article of the same treaty it was stipulated that the missionaries and Indians of the towns of the eastern bank of the Uruguay were to evacuate them totally in order to found villages in other lands of the Spanish dominion, they shall endeavor to have this evacuation effected before the day of the deliveries.

The chief Commissioners shall agree upon a fixed term during which they may remain in the towns ceded, so that, the term being ended, they be obliged to leave before the actual delivery of the colony, to which effect the Commissioner shall procure the reports he may require from the Provincial Father of the Jesuits of Paraguay or from the Superior of both missions.

XV Article.—The inhabitants of the colony which at the time of the delivery of said town and in its evacuation were willing to move to any place of the dominions of His Most Faithful Majesty, they shall enjoy free passage through the dominions of the Crown of Spain, giving them passports and all the aid that they may request, provided they pay the expenses they may make.

The inhabitants which after the said day of delivery shall remain in the colony, shall be considered henceforth as subjects of Spain.

XVI Article.—The said Commissioners shall formulate a regulation which must be observed by the three parties and it shall contain all the practical cases which may occur, determining the distribution of the provisions, hunting and fishing, building of the huts, camps, sentinels, marches and



other operations to which the Commissioners of both nations are to concur with the assembled Commissions.

The economical management of the party of each nation shall be kept separately under the charge of the Commissioner which would be appointed to command it.

In the case of war with the barbarous Indians both escorts shall be commanded by the week commander to be designated according to XVIII Article.

XVII Article.—The officer commanding each escort shall have under his charge the military government of the soldiers of his nation ; he shall take care of every thing concerning the discipline, the two escorts to be lodged and to march separately.

As to the privilege of side during the march and to the other points of military honor, about which disputes of preference may arise, the commanding officers shall dispose the service of the escorts on the most honorable post by turns, to be relieved every day.

XVIII Article.—In the case of war with the Indians, the two escorts shall be commanded by the week Commander, Portuguese or Spanish, the absolute command (only in the case of war or a well founded suspicion of it) to be the Commander of any of the two escorts which may be in week service by turn, and the troops shall occupy the post which may fall to them in lot by daily turn as it has been said, and lots shall be drawn to know which Commander and escort shall begin the turn from the first day of their meeting.

XIX Article.—To prevent difficulty in the practice of what has been determined in the preceding article, Their Majesties shall procure that the Commander of the escorts be of the same rank, forbidding that either of them may base argument upon the previous day of his commission, nor under another pretext, pretend the command of the two escorts, but they are precisely to serve by turn, as it has been said. Nevertheless, as in the case of death or by any other accident, it may happen that the Commander of one party be of an inferior rank to that of the Commander of the other, Their Majesties desire that, were this to happen, what is determined in this instruction be literally observed, the Commander of higher rank not failing to act as second, although the turn may fall to the one of less rank, and to consider that both are of equal command title, though they may be unequal in rank,

XX Article.—It is declared that whatever is here said about the government and military command of the escorts, and the turn in the case of war, that, according to the preceding articles shall fall upon their Commanders, shall be for the case in which the general Commissioner of the party be not a military man, because, should he be such, he shall have the powers determined in the said articles and the Commander of the escort shall be at his orders, It is also declared that the chief Commissioner of Spain must issue passports with safe conduct to the parties which are to pass through the dominions of this Crown, ordering them to be assisted in

all that they may need; and that those excusing themselves or causing injury, shall be severely punished, to which effect His Catholic Majesty shall issue the proper orders.

XXI Article.—With respect to transgressions, proceedings will be instituted with the following difference: on those committed between individuals of one of the two nations, a legal investigation shall be ordered with the assistance of the Commissioners of both nations, and it shall be remitted to the two chief Commissioners for their resolution and to the end that they may order the application of the corresponding penalty. If the transgression were a misdemeanor, the Commissioners of the respective part shall punish it, imposing on the transgressors the penalty of ordinance, or otherwise, an arbitrary one. And in order that there be no doubt nor objection, both Most Serene Kings grant to their chief Commissioners all the authority which, by law, may be required and which they shall exercise over all the members of the party and subalterns of the expedition, both on criminal and civil affairs, in all cases on which processes can be instituted during the said expedition, said Commissioners being empowered, once assembled, to impose and cause to execute even the capital penalty, without admitting resource or appeal in the cases which should require an immediate punishment as warning, and of which they may and must notify the principal Commissioners in each party. But, all are herein advised, should any case occur of criminal or civil proceedings between individuals of both nations be brought to their decision, to depose all natural affection and to judge with the same impartiality to natives and foreigners, only attending to justice, and the peace of the parties and to the success of the enterprise; Their Majesties being unwilling to consider a different course as good service.

XXII Article.—Should the transgression be committed between individuals of one nation its Commissioner shall punish it with the assistance of the adjoint judges appointed near him by the chief Commissioner. And were the transgression in military law, the respective Commander shall punish it, in case the Commissioner were not a military man.

XXIII Article.—In order that the Commissioners of each party may have a fixed rule for their government, the chief Commissioners shall enclose in the above-mentioned regulation a section of penal laws determining the punishment to be imposed to all persons guilty of wounding, murdering, or injuring another by deed or word, according to the degree of guilt. And before the departure of the parties, said penalties shall be published, as well as the duty of its severe execution, devolving upon the Commissioners. On the other hand, the said Commanders shall be secretly advised, not to cause the application of capital or any other corporal penalty, but in case that they would not find any other resource than a ready execution to avoid disorder or disturbance between both nations, bearing in mind that in so distant deserts there cannot be a more powerful motive of inducing the minds to any grave excess than that of seeing one's comrades put to death. They shall, therefore, recommend very particularly to the Commissioners of the parties that in all those cases in which immediate punishment be not

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indispensable to act with the delinquents as determined in XXI Article.

XXIV Article.—Notwithstanding what is determined in the preceding articles, it is the will of their Majesties that, should the chief Commissioners observe that any of the referred providences for the government of the parties, remittment of the criminals, and punishment of the transgressions might have in practice any inconvenience, owing to the character and situation of the countries, they shall resolve that which they may esteem most proper to repress the excesses and to preserve the peace and union so much desired by their Majesties, to which effect they grant them all the necessary powers.

XXV Article.—The following points shall be included in the aforesaid ordinance: That the Commissioners, geographers and other expert members of each party shall note the directions and distances of their course, the natural conditions of the country, the inhabitants and their habits, the animals, plants, fruits and other products, the rivers, lakes, hills and other circumstances worthy of mentioning, putting by common agreement names to those which would not have them, in order that they may be pointed out in the charts with all clearness and they shall try that their work be not only accurate concerning the demarcation of the line and geography of the country, but also profitable with respect to the progress of the sciences, natural history and physical and astronomical observations.

XXVI Article.—That the care of recording all the referred notes be distributed among several persons of both nations according to their skill and inclinations with the end that they be made with the greater accuracy and with less labor.

XXVII Article.—That daily, at noon, the geographers and astronomers of both nations shall take the altitude of the sun and note the variations of the compass, and that at night, when the time and other circumstances may allow it, they shall make the astronomical observations required to determine the longitudes and verify the other positions of the earth.

XXVIII Article.—That in all places of the frontier not marked by rivers or by summits of mountains and falls of water which were declared in the treaty, they shall set the landmarks or signs which they may consider more available and durable, so that at no time it may be doubted of the situation of the boundary line, whether raising mounds of earth or stone, or placing the labored landmarks to be sent them, in the places which they may esteem convenient for a greater clearness. And when they should ascend through rivers along which the line is fixed by the treaty, on finding two branches which may join the same river they shall always continue up the stream through that which would carry more water. And, in the same manner, where the line, according to the treaty, were pointed out by some river which is to be followed down the stream, should it happen that this be divided into two branches, the frontier shall be continued through the branch which would carry more water.

XXIX Article.—That every day at the leisure hours they assemble and compile said remarks into two diaries which are to be remitted to the two

Courts, signed and certified by the Commissioners, astronomers and geographers of both nations.

XXX Article.—That these astronomers and geographers shall proceed every day to build by common agreement the chart mentioned in Article XI of the Treaty, including the region through which the line may pass and all that they should come to observe, or upon what they should have information worthy of credit ; but they shall mark on the chart, by means of a line, what they would have examined by themselves, from that which they happened to know, by conjectures or from report, bearing in mind that everything concerning the frontier is to be surveyed by themselves. Of this chart, two originals shall be daily worked on, without ever delaying this duty for the next day ; and each party having ended its survey, the copies which shall be agreed upon by the chief Commissioners, shall be drawn, signed and certified by the Commissioners, astronomers and geographers of both nations, that they may be remitted to both Courts with the object expressed in the said Article XI. And in order that these charts be more intelligible and clear, the chief Commissioners shall care that all be drawn out in a same scale and foot, so that the space of an inch of the royal foot of Paris may contain the twentieth part of a degree of the circle of the equator, which is reputed, more or less, of two thousand nine hundred Paris fathoms, six thousand five hundred Spanish yards and twenty-six thousand palms or two thousand six hundred Portuguese fathoms. The same thing has been advised to the Commissioners of the northern part, so that the demarcations of one party may correspond with those of the other one.

XXXI Article.—That the Commissaries avoid disputes about the survey, especially if they be over affairs of scant importance and rather resolve between them the doubts which should occur, because it is not the intention of their Majesties that any part of the work be left imperfect without a very urgent motive, nor they are to insist over any small portion of land, provided that the line be left traced through the natural limits more visible and durable.

But should they fail absolutely to agree, on account of the extreme importance of the point in question, separate charts shall be drawn out, of the disputed place, with written and detailed notes of their reasons for doubt signed by the Commissioners, astronomers and geographers of both parties, which charts shall be remitted to the two Courts for the friendly adjustment of the point in question ; and, notwithstanding this, the commission shall proceed to establish the frontier in the remainder.

XXXII Article,—Besides the referred instructions, the chief Commissioners shall include in the regulation all others deemed by them convenient for the most suitable expedition of the commissions and in order that friendship, union and good government be maintained between them ; the allotted survey once ended, each Commissioner shall point out to those of his nation the way through which they are to retire.

XXXIII Article.—They shall pay the greatest attention to the storing and transportatinn of the provisions, so that these may be punctually fur-

nished to the said commissions, at the time and places which may be determined.

XXXIV Article.—The two chief Commissioners shall jointly survey and mark out the place on the sea shore where the division of the two dominions begin, placing there one of the labored landmarks destined to that object. From the said landmark, as a fixed point, they shall proceed to survey and mark out also in the same manner to the northern slope of the hill of Castillos Grandes, surveying it and placing if it were necessary other of the mentioned landmarks, in the places which they may deem it fit, to the summits of the hills by which they shall be guided, mindless of the direction, from the highest places where the springs of the waters descending from the said hills flow out, namely: on the side of the dominions of Portugal to the banks of Lake Merim ; and on that of the dominions of Spain to the banks of the River Plate. They shall in the same manner proceed to survey and mark out personally, all the rest of the line to be followed, until the last spot of easy access, where they might believe it necessary to accompany the first party. And as the creek of Castillos Grandes is to be used in common by both nations, they shall cause it to be sounded, surveying and noting not only its capacity, but also the islands or banks of the same creek with all accuracy and minuteness.

XXXV Article.—If it were compatible with the practice and execution of what in this instruction is recommended to the chief Commissioners, that the one appointed by His Most Faithful Majesty pass to receive personally from the Spaniards the eastern territory of the river Uruguay, and that the Commissioner appointed by His Catholic Majesty pass to receive from the Portuguese the Colony and the settlement of the River Plate, they shall perform it in this manner, trusting its government to the person which Their Majesties should appoint, and in defect of this appointment leaving it provisionally in charge of the one they may like. And if they could not go personally, they shall send some one of their confidence that he may in in their name receive the said towns and settlements. At all events they shall try to accomplish their commission at Castillos Grandes, and they shall determine by common agreement the place of the two dominions they may deem the fittest where they shall establish their residence and live together to remit the provisions and decide over the events and incidents which should arise in the parties, advising them of the place where they must reside.

XXXVI Article.—And, whereas, it is not possible to execute the reciprocal deliveries in the term of one year, fixed by Article XXIII of the Treaty, on account of the indispensable delay in the despatch of this expedition, and having in mind the many preparations necessarily preceding the execution of the said reciprocal deliveries, Their Majesties resolved to extend the said term during all the year one thousand seven hundred and fifty-one, by means of a formal act signed by the ministers of the two Crowns and ratified by both Sovereigns. They nevertheless desire that they be executed before if it were possible. And if by any events on sea or land the deliv-

eries failed to be made during all the referred year Their Majesties grant to the chief Commissioners the faculty of extending only for the indispensable time to execute them ; because it is their mind that nothing may suspend the execution of the treaty.

XXXVII Article.—The vessels to carry the Commissioners shall be at the orders of the chief among them, and after the said deliveries be executed they shall choose one to bear the news, and with it they shall send the prisoners to the two Courts, or shall vary this disposition according to the orders to be communicated to them ; and the work being concluded they shall all retire to their destination. All that is contained in this instruction shall be executed according to its stipulation, and shall be now approved, confirmed and ratified by the two Most Serene Kings, the exchange of ratifications to be made within the term of one month or before, if possible. It is declared that if said Commissioners should find any difficulty in any of the points of this instruction, or should find a way of carrying them to execution with more facility, or should find the practice of any or some of them inconvenient, in all and in any of these cases they shall resolve and act as they should deem it proper, provided that the principal purpose be obtained, which is that of executing the treaty with sincerity and good faith, without interpretation or excuse as it becomes the service of their Majesties.

In faith whereof, and by virtue of the orders and powers which we have from the Kings our Masters, we sign the present instruction and affix to it the seal of our arms.

Madrid, seventeenth of January, one thousand seven hundred and fifty-one.

VISCOUNT TOMAS DA SILVA TELLES,  
JOSÉ DE CARVAJAL Y LANCASTER.

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**Separate articles of the Treaty concluded and signed the seventeenth of January of this present year of 1751,  
about the instructions of the respective  
Commissioners which are to pass  
to South America. (\*)**

MADRID, 17th January, 1751.

I Article.—Whereas it is deemed, in the religion, good faith and reciprocal friendship which have been the inviolable rules of the two contracting Majesties, that the delivery and guaranty of the Colonia of Sacramento and its adjacencies depending only on the obedience of a Governor which must

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(\*) *Coleccion de Tratados de la República Argentina etc.* previously referred to Vol. III, Appendix, p. LXI.

comply without hesitation nor reply to the orders by him received, and the delivery and security of the territory and villages of the eastern bank of the Uruguay, depending on the cooperation of so many and so numerous armed Indians, that through a prejudice whatever might resist said delivery, shielding their resistance under their persuasion of the necessary appeal to the Court ; all these considerations being deemed of justice, to the end that the treaty of boundaries and cessions be in this part executed as inviolably as its nature and the intention of the two august contracting parties may require it, His Catholic Majesty shall threaten both his chief Commissioner and the Governor of Buenos Ayres and Montevideo and all the other officers and subjects which he has on those parts, and all other Indians, with his royal indignation, were they remiss in the said delivery and peaceful security of the villages and territories ceded to the Crown of Portugal ; and in the case that they should not cause to evacuate and should not evacuate or deliver, in good faith, without delays, excuses or interpretations, all the said territory and its villages in the day to be appointed to that effect, so that there may establish and fix perpetually the subjects of His Most Faithful Majesty.

II Article.—To the same purpose His Catholic Majesty also commands to the said chief Commissioners, Governors and officers of his dominions at that part, that without reply on their part, nor entertaining any reply, excuse or delay whatever, they may make use of the effective means, and even of the force of the arms, if it were necessary, in order that in accordance with the chief Commissioners and officers of His Most Faithful Majesty, they may cause to evacuate the said villages and territory, all this to be performed, in peace and just title, towards the subjects of His Most Faithful Majesty, that are to settle and perpetuate themselves there in the above referred manner.

III Article.—And in order that every pretext of doubts to this respect in America, may cease, His Catholic Majesty herein decisively commands to his said Commissioners, Governors and officers that should the Indians and inhabitants of the villages and territories, oppose such difficulties to its ready evacuation that even said Commissioners, Governors and Spanish officers should consider them worthy of being submitted to the decision of His Catholic Majesty, in this case even they are obliged to make evacuate said villages and territory, and place the subjects of His Most Faithful Majesty in peaceful and perpetual possession of all in the aforesaid manner.

IV Article.—These separate articles shall also form part of the treaties themselves to which they are to be adjoined, and they shall be approved, confirmed and ratified by the two respective Monarchs at the same time.

In faith whereof and in virtue of the orders and full powers that we the undersigned have received from our masters the Most Faithful King of Portugal and the Catholic King of Spain, we have celebrated and sign the present four separate articles, so that at all time and in every case they may form a part of the treaty itself. Signed by us the undersigned in this same day, and to which we affix the seal or our arms. Done at Madrid the seventeenth day of January, one thousand seven hundred an fifty-one.—VISCOUNT TOMÁS DA SILVA.—JOSÉ DE CARVAJAL Y LANCASTER.

**Treaty extending the term for the deliveries stipulated by the  
Treaty of Boundaries celebrated the 13th of January,  
that it may be extended to all the  
present year. (\*)**

MADRID, 17th January, 1751.

Whereas, it has not been possible to conclude the agreements required in conformity with the XXIII Article of the treaty of limits celebrated in this Court the thirteenth of January last between the Most Serene Kings, our Lords, to have the reciprocal deliveries of the territory and Colonia of Sacramento, and of its adjacencies ceded by His Most Faithful Majesty to the Crown of Spain, and of the territory and towns ceded by His Catholic Majesty to the Crown of Portugal on the eastern bank of the Uruguay, executed within the term of a year, but on the contrary, it is deemed indispensable that a further extension of time shall be needed for its easy execution, without great damage to the inhabitants; we the undersigned, in virtue of the powers to that end received from said Most Serene Kings our Lords and which we reciprocally communicated and acknowledged, we agree and adjust that the term be extended during all the year one thousand seven hundred and fifty-one, so that within it all the deliveries may be performed; it being well understood that the Commissioners of both Crowns and other persons which are to concur in the execution of the said deliveries, must do whatever may lie in their power to avoid delays and attain the end before the term granted; the intention of Their Majesties being that the said deliveries be performed as soon as possible.

This convention shall be ratified by the Most Serene Kings our Lords within the term of three weeks reckoned from this date, or before, if possible, and it shall punctually be observed by both parties. In faith whereof we sign and affix to it the seal of our arms.

Done at Madrid, the seventeenth day of January in the year one thousand seven hundred and fifty-one.—VISCOUNT TOMÁS DA SILVA TELLES.—JOSÉ DE CARVAJAL Y LANCASTER.

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**Treaty as to the facts of the Geographical charts which are  
to govern the Commissioners entrusted with the  
survey of the boundaries. (\*\*)**

MADRID, 17th January, 1751.

We, the undersigned, Ministers Plenipotentiaries of their Most Faithful and Catholic Majesties, in virtue of the full powers which we have communi-

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(\*) *Colección de Tratados de la República Argentina, etc.*, previously referred to. Vol. III, Appendix pag. LXIV.

(\*\*) *Colección de Tratados de la República Argentina, etc.*, previously referred to. Vol. III, Appendix pag. LXVII.



cated and acknowledged reciprocally to our satisfaction, declare that, whereas we have been guided by a manuscript geographical chart to formulate this treaty and the instructions for its execution, a copy of this chart is therefor to be furnished to every party of Commissioners of each Sovereign for their guidance, all of them signed by us, as the boundaries are explained by it, and according to it, we likewise declare that though, which, according to the reports we have from both Courts, we deem everything marked out on said chart as very probable, and also agreeing that some of the territories marked out have not been surveyed by persons now existing, and that others were drawn out from charts raised by trustworthy surveyors, but possibly wanting the skill for the correct drawing of their observations, the result of which is apt to be some evident deviations of places, both in the situation of the mountains, as in the source and courses of the rivers and even in the names of some of them, be it because each nation of America used to give them different ones, or on some other account, the contracting Sovereigns desire and agree that whatever variation there may exist, may not prevent the course of the execution, but that it be continued in everything according to the mind and intention of their Majesties manifested in the treaty, and especially in the Articles VII, IX, XI and XXII, according to which all is to be punctually executed. And we, the said Ministers Plenipotentiaries, thus declare it in the name of our Sovereigns and in virtue of their orders and full powers we signed it.

This declaration shall be ratified at the same time and term than that extending the term and the instructions and a copy of it shall be given to the Commissioners of both Sovereigns. Done at Madrid the seventeenth of January, one thousand seven hundred and fifty-one.

VISCOUNT TOMAS DA SILVA TELLES,  
JOSE DE CARVAJAL Y LANCASTER.

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**Supplement and Declaration of the Treaty of 17th of January,  
by which the instructions of the Commissioners which  
are to pass to South America, shall be governed. (\*)**

MADRID, 17th April, 1751.

Whereas it was found that the abovementioned treaty required additions and explanations in order to avoid all future difficulties and obstacles likely to arise in the survey of so vast countries, which is to be practised in places so remote that it shall not be easy to occur to the rectitude and forethought

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(\*) *Colección de Tratados de la República Argentina, etc.*, previously referred to Vol. III, App. Pag. LXIX.

of the two contracting Majesties: The two said respective Plenipotentiaries moreover agreed by common consent that the treaty abovementioned should be amplified and illustrated by the under-expressed articles, so that they may form an integral part of the same treaty, as follows:


I Article.—With respect to the IV Article it is herein established that the conferences shall only be between the two chief Commissioners, without the intervention of the second and third Commissioners of any of both parties.

II Article.—It is added to the same IV Article of the said treaty that the interview that the two said chief Commissioners may celebrate the first time in the wooden house or tent therein mentioned, shall coincide with the first visit between them.

III Article.—The III Article of the same treaty is declared to be of the same tenor:—The two respective chief Commissioners shall pay the greatest attention to the supply of provisions, transportation, servants and other preparations for the parties of the sub-commissioners, afterwards treated of, informing themselves carefully of the places and of the time at which it may be convenient to remit them, making the necessary preparations, so that the least failing be not felt as to this matter, and that all be ready at the first notice, and it be remitted as agreed in their conferences. And they shall give the necessary orders to the Governors, the Commanders-in-chief, their subordinates, so that they may have ready the Indian soldiers and negroes of service, which are to accompany the said parties, appointing by common consent the same two chief Commissioners, the respective number of the men of war and service, arms, war stores, which are to be sent as escort and for convenience of each of the above-mentioned parties, as it is determined in the VIII Article of the same above-written treaty.

IV Article.—It was agreed that the XVIII, XIX and XX Articles of the said above-written convention be reduced for greater brevity and clearness to the precise following terms: Among the persons to compose each of the respective parties, the two chief Commissioners shall appoint the one to command the whole of it, bearing in mind the rank of their Commissions, in case that express appointment from each of the two contracting Majesties with respect to each one has not been made. In case of death or hinderance they shall also appoint by turn the officers to substitute one another in the command of the referred parties.

And considering that the two Commissioners appointed to the second and third place by the two respective Monarchs must go in the second and third parties as chief ones. His Most Faithful Majesty and His Catholic Majesty bestow on their chief Commissioners, Gomes Freire de Andrade and Marquis de Val de Lirios, all the power and necessary authority to appoint in the said two parties the first and second Commissioners, were they not individually appointed by both or by any of the said Majesties, said Gomes Freire de Andrade and Marquis de Val de Lirios, demanding from the Governors and officers of the respective dominions of America the remission to their orders of those persons they may consider as most able and experi-



enced, these being forbidden to excuse themselves under any pretext.

V Article.—The XXXV Article of the said above-written convention was also explained and reduced to the terms contained in the following words:

In case that it were compatible with the practice and execution of the affairs contained in these orders, and that the two chief Commissioners should be disengaged at the time of the deliveries of the eastern territory of the Uruguay and of its settlements, and of the Colonia of Sacramento and of its adjacencies, they shall proceed personally to receive them, one and the other party appointing the Governors they may choose, provided that Their Most Faithful and Catholic Majesties had not expressly appointed them.

And should they be unable to proceed in person to said places, they shall send persons of their confidence, so that the acts of delivery be performed through them, and the government of said places to remain in them inasmuch as Their Majesties should not otherwise provide with respect to said governments.

Nevertheless, the said two chief Commissioners shall in all cases endeavor to discharge themselves both in the affair of the three said parties as in all what they are to execute in Castillos Grandes, and to change their residences; that is to say, Gomes Freire de Andrade first to the Colonia, and afterwards to the towns which would be ceded to the Crown of Portugal, on the eastern territory of the Uruguay, and the Marquis de Val de Lirios to Buenos Ayres, Santa Fé, Corrientes, or Misiones which the fathers of the Society of Jesus have on that part, in order that the two chief Commissioners may be better enabled to provide upon all liable events and accidents, and to remit the provisions necessary to the parties, to which they shall always advise of the places of their residences, so that in any contingency they may recur to them.

Therefore the two mentioned Ministers Plenipotentiaries, in use of their full powers, agreed and signed at Madrid the seventeenth of April, of one thousand seven hundred and fifty-one.

VISCOUNT TOMAS DA SILVA TELLES.

JOSÉ DE CARVAJAL Y LANCASTER.

**Declaration signed at Madrid, dated the 12th July, by the  
Plenipotentiaries of Their Most Faithful and Catholic  
Majesties on the margins of the geographical  
chart which served for the adjustment of  
the Treaty of Boundaries of the conquests  
of 13th of January, 1750. (\*)**

From the third evidence of the analytical and demonstrative compendium of the notorious errors of deed with which the Governors of Buenos Ayres pre-

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(\*) *Colección de Tratados de la República Argentina, etc.*, previously referred to. Vol. III., Appendix. page LXXII.

tended to excuse, before the Court of Madrid the violences, the hostilities and lastly the war that the General Don Juan José de Vertiz declared against the Portuguese Governors of the South of Brazil, in the manifesto published by him the fifth day of January, one thousand seven hundred and seventy-four, the following appears :

That at the beginning of the conferences that preceded the adjustment and conclusion of the Treaty of Boundaries of the conquests, the two Ministers Plenipotentiaries, Tomás da Silva Telles, Ambassador of the Most Faithful King and Don José de Carvajal and Lancaster, Minister of State of the Catholic King accorded that it would be impracticable to proceed in the serious affair of their commission, before they should examine and reduce to a demonstrative chart what countries were until then occupied by the subjects of each of the two Crowns, so that according to the demonstrations of the same chart they should negotiate and conclude that which each of these should deliver and receive : That in fact the said chart had been drawn by engineers, geographers and skillful and well informed persons of both nations : That with it, before them, the said Plenipotentiaries had continued their conferences : That the same chart, having been by both well examined and compared, it was by common agreement approved and agreed to by the same respective Plenipotentiaries, to serve as guide and basis to the said Treaty of Boundaries, the conclusion of which was its object : That the said chart was legalized and perpetuated by the said two Plenipotentiaries with the declarations on its margin written in Portuguese and Spanish by the two respective Secretaries : That the said declarations were signed by the said Plenipotentiaries and provided with the seals of their arms, for perpetual memory of the authenticity of the said chart, and to be kept in the archives of the two contracting Monarchs : That finally two duplicates must undoubtedly exist among the papers of the Secretary of State of Foreign Affairs of Lisbon, as well as other two exchanged with them must be found in possession of the respective Secretary of State of the Court of Madrid.

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#### **Declaration Made in the Portuguese Language.**

This geographical chart which is to be kept in the Royal Archives of Portugal, as well as another one like it, which is to be kept in the Royal Archives of Spain, is the one which served to the Minister Plenipotentiary of His Most Faithful Majesty for adjusting the treaty for the fixing of the boundaries in South America, signed the thirteenth day of January, one thousand seven hundred and fifty ; and as on the same chart a red line appears, pointing out and passing over the places through which the demarcation is to be made, which line, because of its being previous to the Treaty of boundaries, afterwards adjusted, does not agree with it inasmuch as it passes from the foot of the hill of Castillos Grandes to find the springs of the River Negro and following it along until entering into the River Uruguay, instead of serching out the source of the River Ybicui, according to the said treaty, it is declared

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mony and good correspondence which the ties of their intimate friendship and close relationship require, but also the conservation of the most friendly union among their respective subjects; after many and very serious conferences having been held about this important matter, and after having been examined with the greatest care everything concerning it, they authorized with all full necessary powers, namely: His Catholic Majesty to Don Ricardo Wall, Knight-Commander of Peña Usenda of the Order of Santiago, Lieutenant-General of His Royal Armies, of his Council of State, his first Secretary of State and of the Despatch, provisional Secretary of the War Department, and his General Superintendent of Post Offices and Mails within and out of Spain; and His Most Faithful Majesty to Don José da Silva Pesanha, of his Council, his Ambassador and Plenipotentiary at this Court of Madrid, both of which, after having reciprocally exhibited and exchanged their powers, well instructed of the true intentions of the two Most Serene Kings, their Lords, and according to their Royal orders, agreed upon and concluded by common consent the following articles:

I Article.—The aforesaid Treaty of Boundaries in Asia and America between both Crowns, signed at Madrid the thirteenth of January, one thousand seven hundred and fifty, with all the other treaties or conventions which as a consequence of it were eventually adjusted to settle the instructions of the respective Commissioners hitherto employed in the demarcations of the above-mentioned boundaries, and all that in virtue of them may have been performed, are given and remain in consequence of the present one, annulled, abrogated and cancelled as if they had never existed or been executed; and everything concerning the boundaries of America and Asia is restored to the terms of the treaties, facts and conventions which had been celebrated between the two contracting Crowns before the said year of 1750; so that only the treaties, facts and conventions celebrated before the year 1750 stand henceforward in their force and vigor.

II Article.—After this treaty be ratified, the said Most Serene Kings shall cause authentic copies of it to be issued to all their respective Commissioners and Governors on the boundaries of the dominions of Amdrica, declaring before them said Treaty of Boundaries, signed the thirteenth of January, one thousand seven hundred and fifty, with all the conventions which of it and on account of it followed, as cancelled, abrogated and annulled; ordering them that giving as null, and causing to cease all the operations and acts respecting its execution, to overthrow the monuments erected in its consequence, and to evacuate immediately the lands occupied under its shelter, or on pretext of the said treaty; demolishing the rooms, houses or fortresses which on account of it would have been made or raised up by either party, and declaring to them that from the very day of the ratification of the present treaty henceforth, the other treaties, pacts and conventions stipulated between the two Crowns before the year 1750 shall only serve them as rules to conduct themselves, because all are herein renewed and restored to their primitive and due force, as if the said treaty of thirteenth of January, one thousand seven hundred and fifty, with all others derived from it, had never

existed; and these orders are to be given in duplicate by each Court to the other for their guidance and most ready fulfilment.

III Article.—The present treaty and what by it is pacted and contracted, shall have perpetual force and vigor between both aforesaid Most Serene Kings, all their successors, and between both Crowns; and it shall be approved, confirmed and ratified by Their Majesties, the respective ratifications being exchanged within a month's term, reckoned from the date of the present one or sooner if it were possible.

In faith whereof, and in virtue of the orders and full powers that we the aforesaid Plenipotentiaries received from the said Most Serene Kings, our Lords, signed the present treaty and affixed to it the seal of our arms, at the Pardo, the twelfth of February, one thousand seven hundred and sixty-one.

DON RICARDO WALL.  
JOSÉ DE SILVA PESANHA.



**Convention for the suspension of hostilities, and of Boundaries  
in America concluded between the Governor of the Pro-  
vince of San Pedro, Colonel Ignacio Eloy de Madu-  
reira and the Spanish General Don Pedro Ceballos, at  
the town of Rio Grande, the 6th of August. (\*)**

We Antonio Pinto Carneiro, Captain of Dragoons in the service of His Most Faithful Majesty, by virtue of the powers that have been conferred to me by my Governor, Colonel Ignacio Eloy de Madureira and Don José de Molina, infantry Captain in the service of His Catholic Majesty, by virtue of the powers that my General the most excellent Don Pedro Ceballos has given me,

Having assembled in consequence of the suspension of hostilities accorded by Their Most Faithful and Catholic Majesties in November of last year, in order to agree and declare the boundaries of either party in this frontier, until our respective Courts, acquainted with this agreement, shall not take any other decision, in order to avoid every motive of discord between both nations, we have agreed, in the name and with the approval of the chiefs, upon the following articles:

I. That no hostility whatever shall be practised by one or the other party, and that the usual good correspondence between friendly nations shall be observed.

II. It shall not be permitted upon any motive or pretext that the thieves or vagabonds that would steal cattle in the jurisdiction of one nation, may take refuge in the other, but rather be restored to the injured

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(\*) *Collecção de Tratados de Portugal, etc.*, previously referred to, Vol. III., p. 202.



party that should demand them, in order that justice may punish them in accordance with their transgression:

III. The cattle farm called de la Tratada, placed at four leagues from that of del Tesorero on the northern side of this river, shall be the limit from which the Spaniards are to pass farther, the posts and farms in the mouth of the river are to be maintained by them, as well as its bank, on one and the other side up to the place called del Tesorero inclusive, where they have a guard, and on the part of the Portuguese the one established at the post of de la Tratada, from which their patrols shall only pass half a league to the mentioned farm del Tesorero.

IV. Although, this post of Rio Grande being under the exclusive dominion of Spain, no other nation can trade in it; nor any vessel go in or out, without the permission of the Spanish Governor; nevertheless, as there are two Portuguese brigs up the river from before the amnesty, they shall be permitted to leave for their destination; this permission not to serve as precedent:

V. In faith that the present convention shall be observed by one and the other party, the two above-mentioned Captains, by virtue of the powers of our respective chiefs, signed two of the same tenor at the town of Rio Grande, the 6th August, 1763.

ANTONIO PINTO CARNEIRO.

D. JOSÉ DE MOLINA.

**PRELIMINARY TREATY** .

**About the boundaries of the countries of South America, belonging to the Crowns of Spain and Portugal, by which the places through which the boundary line of their dominions is stipulated. (\*)**

SAN ILDEFONSO, 1st October, 1777.

Don Carlos, by the Grace of God, King of Castile, of Leon, of Aragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Mayorca, of Seville, of Sardinia, of Córdoba, of Corsica, of Murcia, of Jaen, of the Algarves, of Algeziras, of Gibraltar, of the Canary Island, of the Eastern and Western Indies, islands and main lands of the Ocean Sea; Archduke of Austria, Duke of Burgundy, of Brabant and of Milan; Count of Hapsburg, of Flanders, of the Tyrol and of Barcelona; Lord of Biscay and of Molina, etc. Whereas to put an end to the discords which have occurred between the Spanish and Portuguese Nations on account of the boundaries of the dominions of both powers in South America, twenty-five preliminary articles have been adjusted and signed, at the Royal Residence of San Ildefonso, the first day of the present month of October of the year of one thousand seven hundred and seventy-seven, by my Minister Plenipotentiary Don José Moñino, Count of Floridablanca, and by the Minister Plenipotentiary of the Most Faithful Queen, Don Francisco de Souza Coutinho, which articles are to serve as basis and foundation of the definitive

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(\*) *Colección de Tratados de la República Argentina, etc.*, previously referred to. Vol. III, Appendix pag. Lxxxiii.

*Collecção de Tratados, etc., de Portugal*, Vol. III, Page CCxxx.

treaty, which, in accordance with them, is to be formed, prescribing the limits of the possessions belonging to both Crowns on that part of the world ; the tenor of the said preliminary treaty being word for word as follow :

In the name of the Most Holy Trinity: Having the Divine Providence stimulated the august hearts of Their Catholic and Most Faithful Majesties to the sincere desire of bringing to one end the disagreement about the boundaries of their dominions in America and Asia, between the Crowns of Spain and Portugal and their respective subjects for a lapse of nearly three centuries ; in order to attain this important purpose and to establish perpetually the harmony, friendship and good understanding which befit the close relationship and exalted qualities of so high Princes, the reciprocal love which they profess to each other, and the interest of the nations that they happily govern, they have resolved, agreed and ajusted the present preliminary treaty which shall serve as basis and foundation to the definitive one of boundaries which is to be committed to writing in due time with the details, exactness and neccessary information, by means of which, new disputes and their consequences may be for ever prevented and obviated. With the object therefore of attaining such an important purpose H. M. the Catholic King appointed as his Minister Plenipotentiary, the Most Excelent Don José Moñino, Count of Floridablanca, Knight of the Royal Order of Carlos III, of Council of State of H. M. and his first State and Despatch Secretary General Superintendent of land and maritime Post Offices and of the Post and General Post Office Revenue of Spain and the Indies; and on the part of H. M. the Most Faithful Queen, the Most Excelent Don Francisco Inocencio de Souza Coutinho, Knight Commander of the Order of Christ, of H. M. F. Majesty's Council and her Ambassador near H. C. M. was appointed Minister Plenipotentiary, both of which plenipotenciaries having exchanged their full powers and found them in good and due form, agreed upon the following articles, according to the orders and intentions of their sovereigns:

I Article.— There shall be a perpetual and constant peace between both Spanish and Portuguese nations, both by land and by sea, in every part of the world, with a total oblivion of the past as well as of everything done by both in reciprocal offence ; and with this purpose they ratify the treaties of peace of 13th. February, 1668, 6th. February, 1715 and 10th. February 1763, as if they were comprehended in the present, word for word, in all that which should not be expressly abrogated by the articles of the present preliminary treaty or by those to follow in regard to their execution.

II Article.— All the prisoners taken on sea or land shall be thereupon set at liberty without any other condition than that of assuring the payment of of the debts that they would have incurred in the country where they would be. The artillery and ammunitions of the two governments since the treaty of Paris of tenth of February of one thousand seven hundred and sixty-three might have been made use of by the other and the vessels both merchant and of war with their cargoes, artillery, war stores, etc., which might have also been seized, shall be mutually restored in good faith within four months from the date of the ratification of this treaty or before, if it were possible, although

the prizes or occupations might proceed from some war engagements by sea or land about which no news may have not yet come and which are to be comprehended likewise in this restitution as well as the goods and effects seized together with the prisoners and the territories, dominion which happen to lie, according to the present treaty, within the demarcation of the sovereign to whom they are to be restored.

III Article.—As one of the chief motives of the differences between both Crowns has been the Portuguese settlement of the Colonia of Sacramento, San Gabriel's Island and other ports and territories pretended by that nation on the northern bank of the River Plate, navigating this river in common with the Spaniards and even that of the Uruguay, both high contracting parties for the mutual benefit of both nations, and in order to assure a perpetual peace between both, have agreed that the said navigation of the Rivers Plate and Uruguay and the lands of their two banks, northern and southern, may solely belong to the Crown of Spain and to its subjects, until the place where the River Pequirí or Pepirí Guazú flows into the aforesaid Uruguay by its western bank, the dominion of Spain to extend along the above-mentioned northern bank until the boundary line which shall be drawn, beginning by the sea side on the brook of Chui and San Miguel's Fort included, and following by the banks of Lake Merin as far as the sources or springs of the Rio Negro, which springs as well as those of the rivers which flow into the aforesaid Plate and Uruguay, until the entrance of the Pepirí Guazú into the latter shall be left exclusively to said Crown of Spain with all the territories which it possesses and which those countries comprise, including the aforesaid Colonia of Sacramento and its territory, San Gabriel's Island and the other settlements which hitherto might have been possessed or pretended to possess the Crown of Portugal until the line which will be formed; to which purpose H. M. F. M. in her name and that of her heirs and successors renounces and yields to H. C. M. and to his heirs and successors whatever actions and rights over said territories, or possession of them; which belongs, or might belong, to H. M. F. M. by the V and VI Articles of the Treaty of Utrecht of 1715, or on any other manner.

IV Article.—In order to avoid another cause of discord between both Monarchies, which has been the entrances to Laguna de los Patos or Rio Grande of San Pedro, following afterwards its springs up to the River Yacuy, both banks of which and its navigation have been claimed as their property by both Crowns. Their Majesties have now agreed that said entrance and navigation must exclusively remain to Portugal; its dominion to extend through the southern bank until the brook Tahim, following the shores of the Laguna de la Manguera in a straight line to the sea, and by the side of the continent the line shall run from the borders of the aforesaid Lake of Merin through the first southern brook flowing into its drain or channel and running nearest to the Portuguese Fort of San Gonzalo, from which, without trespassing the limit of the aforesaid brook, the dominion of Portugal shall extend by the sources of the rivers running towards the aforesaid Rio Grande and Yacuy until that, passing over those of rivers Ara-

treaty, which, in accordance with them, is to be formed, prescribing the limits of the possessions belonging to both Crowns on that part of the world ; the tenor of the said preliminary treaty being word for word as follow :

In the name of the Most Holy Trinity: Having the Divine Providence stimulated the august hearts of Their Catholic and Most Faithful Majesties to the sincere desire of bringing to one end the disagreement about the boundaries of their dominions in America and Asia, between the Crowns of Spain and Portugal and their respective subjects for a lapse of nearly three centuries ; in order to attain this important purpose and to establish perpetually the harmony, friendship and good understanding which befit the close relationship and exalted qualities of so high Princes, the reciprocal love which they profess to each other, and the interest of the nations that they happily govern, they have resolved, agreed and ajusted the present preliminary treaty which shall serve as basis and foundation to the definitive one of boundaries which is to be committed to writing in due time with the details, exactness and necessary information, by means of which, new disputes and their consequences may be for ever prevented and obviated. With the object therefore of attaining such an important purpose H. M. the Catholic King appointed as his Minister Plenipotentiary, the Most Excelent Don José Moñino, Count of Floridablanca, Knight of the Royal Order of Carlos III, of Council of State of H. M. and his first State and Despatch Secretary General Superintendent of land and maritime Post Offices and of the Post and General Post Office Revenue of Spain and the Indies; and on the part of H. M. the Most Faithful Queen, the Most Excelent Don Francisco Inocencio de Souza Coutinho, Knight Commander of the Order of Christ, of H. M. F. Majesty's Council and her Ambassador near H. C. M. was appointed Minister Plenipotentiary, both of which plenipotenciaries having exchanged their full powers and found them in good and due form, agreed upon the following articles, according to the orders and intentions of their sovereigns:

I Article.— There shall be a perpetual and constant peace between both Spanish and Portuguese nations, both by land and by sea, in every part of the world, with a total oblivion of the past as well as of everything done by both in reciprocal offence ; and with this purpose they ratify the treaties of peace of 13th. February, 1668, 6th. February, 1715 and 10th. February 1763, as if they were comprehended in the present, word for word, in all that which should not be expressly abrogated by the articles of the present preliminary treaty or by those to follow in regard to their execution.

II Article.— All the prisoners taken on sea or land shall be thereupon set at liberty without any other condition than that of assuring the payment of of the debts that they would have incurred in the country where they would be. The artillery and ammunitions of the two governments since the treaty of Paris of tenth of February of one thousand seven hundred and sixty-three might have been made use of by the other and the vessels both merchant and of war with their cargoes, artillery, war stores, etc., which might have also been seized, shall be mutually restored in good faith within four months from the date of the ratification of this treaty or before, if it were possible, although

the prizes or occupations might proceed from some war engagements by sea or land about which no news may have not yet come and which are to be comprehended likewise in this restitution as well as the goods and effects seized together with the prisoners and the territories, dominion which happen to lie, according to the present treaty, within the demarcation of the sovereign to whom they are to be restored.

III Article.—As one of the chief motives of the differences between both Crowns has been the Portuguese settlement of the Colonia of Sacramento, San Gabriel's Island and other ports and territories pretended by that nation on the northern bank of the River Plate, navigating this river in common with the Spaniards and even that of the Uruguay, both high contracting parties for the mutual benefit of both nations, and in order to assure a perpetual peace between both, have agreed that the said navigation of the Rivers Plate and Uruguay and the lands of their two banks, northern and southern, may solely belong to the Crown of Spain and to its subjects, until the place where the River Pequirí or Pepirí Guazú flows into the aforesaid Uruguay by its western bank, the dominion of Spain to extend along the above-mentioned northern bank until the boundary line which shall be drawn, beginning by the sea side on the brook of Chui and San Miguel's Fort included, and following by the banks of Lake Merin as far as the sources or springs of the Rio Negro, which springs as well as those of the rivers which flow into the aforesaid Plate and Uruguay, until the entrance of the Pepirí Guazú into the latter shall be left exclusively to said Crown of Spain with all the territories which it possesses and which those countries comprise, including the aforesaid Colonia of Sacramento and its territory, San Gabriel's Island and the other settlements which hitherto might have been possessed or pretended to possess the Crown of Portugal until the line which will be formed; to which purpose H. M. F. M. in her name and that of her heirs and successors renounces and yields to H. C. M. and to his heirs and successors whatever actions and rights over said territories, or possession of them; which belongs, or might belong, to H. M. F. M. by the V and VI Articles of the Treaty of Utrecht of 1715, or on any other manner.

IV Article.—In order to avoid another cause of discord between both Monarchies, which has been the entrances to Laguna de los Patos or Rio Grande of San Pedro, following afterwards its springs up to the River Yacuy, both banks of which and its navigation have been claimed as their property by both Crowns. Their Majesties have now agreed that said entrance and navigation must exclusively remain to Portugal; its dominion to extend through the southern bank until the brook Tahim, following the shores of the Laguna de la Manguera in a straight line to the sea, and by the side of the continent the line shall run from the borders of the aforesaid Lake of Merin through the first southern brook flowing into its drain or channel and running nearest to the Portuguese Fort of San Gonzalo, from which, without trespassing the limit of the aforesaid brook, the dominion of Portugal shall extend by the sources of the rivers running towards the aforesaid Rio Grande and Yacuy until that, passing over those of rivers Ara-

ricu and Coyacui which shall remain on the side of Portugal, and that of the Rivers Piratini and Ybimini which shall remain on the side of Spain, a line be drawn which shall cover the Portuguese settlements up to the draining of the River Pepirí Guazú into the Uruguay and shall likewise save and cover the Spanish Missions and settlements of said Uruguay which must remain in the present state in which they belong to the Crown of Spain; the Commissionres which are to carry into execution this divisory line being recommended to follow all along of it the directions of the mountains through their summits, or those of the rivers, where these would be used; and that the fall of the aforesaid rivers and their sources may serve as landmarks to both dominions whenever this were possible, so that the rivers which may rise in one of the dominions and run towards it may remain from their sources in favor of that dominion, which can be better done in the line which will run from Lake Merin to the River Pepirí Guazú in which place there are not large rivers to cross over from one to the other land. because, where they should exist, it shall not be possible to employ this method as it is well known, following then that which in the respective cases is expressed in other articles of this treaty, in order to save the principal dependencies and possessions of both Crowns, H. C. M. in his name and that of his heirs and successors cedes in favor of H. M. F. M. of her heirs and successors all and whatever rights that might belong to him, to the territories which according to what has been explained in this article, must belong to the Crown of Portugal.

V Article.—According to what has been stipulated in the preceding articles, the Lagunas de Merim and de la Manguera and the arms of land lying between them and the sea shore shall remain as reserved between the dominions of both Crowns, without being occupied by either nation, but to be left as a dividing line, so that the Spaniards may pass over the brooks of Chui and San Miguel towards the northern part, nor the Portuguese the brook of Tahim in a straight line to the sea towards the southern part; H. M. F. M. renouncing in her name and in that of her heirs and successors in favor of the Crown of Spain and of this division, whatever rights she may have to the guards of Chui and its district, to the bar of Castillos Grandes, to the Fort of San Miguel and to all the rest comprised in them.

VI Article.—In accordance with that which has been established in the preceding article, a sufficient space between the boundaries of both nations, which may not be of the same width as that of the aforesaid lakes, shall be reserved in the remainder of the divisory line, not only up to the flowing of the river Pepirí Guazú into the Uruguay, but also in the advance which will be specified in the following articles; in which space no towns shall be built by either party, nor fortresses, guards or posts of troops be constructed; said spaces to be thus neutral, and said landmarks and signals to be placed that they may point out to the subjects of either nation the place from which they shall not pass, to which end the lakes and rivers that may serve as a set and indelible boundary shall be searched out and in their default the summits of the main mountains, these and their brows remaining

as the divisory neutral bound where neither nation shall be permitted to enter, to settle, to build or to raise forts.

VII Article.—The Portuguese inhabitants which should exist in the Colonia of Sacramento, the island of San Gabriel and whatever settlements which are ceded to Spain by the III Article and all those that from the first contentions of the year 1762 should have remained under different dominion, shall be at liberty to retire or stay there with their effects and furniture, said inhabitants as well as the Governor, officers and soldiers of the garrison of the Colonia of Sacramento which are to retire being entitled to sell their landed property; the artillery, arms and ammunitions which should have belonged to her in the said colony and settlements to be delivered to H. M. F. M. The same liberty and rights shall be enjoyed by the Spanish inhabitants, officers and soldiers, should they exist in any of the settlements ceded or renounced in favor of the Crown of Portugal by IV Article; all the artillery and ammunitions existing at the time of the last invasion of the Portuguese into the Rio Grande of San Pedro, its villages, guards and posts on either bank shall be restored to H. C. M. excepting that portion of it held by seizure, and belonging to the Portuguese at the time of the entrance of the Spaniards into those settlements about the year of 1762. This rule shall be observed reciprocally in every one of the other cessions to be expressed in this treaty adjusted to establish the dependencies of both Crowns and their respective boundaries.

VIII Articles.—The possessions of both Crowns up to the entrance of the river Pequirí or Pepirí Guazú into the Uruguay, having been already pointed out, the High Contracting Parties have agreed that the boundary line shall follow against the stream of the aforesaid Pepirí until its main source and thence by the highest ground, according to the rules stated in the VI Article, shall continue to find the waters of the River San Antonio which drains into the Grande of Curitiba, otherwise called Yguazú, following said river down stream until its entrance into the Paraná on its eastern bank, and then following against the stream of the same Paraná until its place of confluence with the river Ygurei on its western bank.

IX Article.—From the mouth or entrance of the Ygurei the line shall continue against the stream until its main source; and from it a straight line shall be drawn through the highest ground, according to what has been stipulated by the said VI Article, until finding the head source or spring of the river next to its eastern bank, which shall perhaps be the one called Corriñetes; and then the line shall descend through the waters of this river until its entrance into the said Paraguay, from which mouth it shall ascend through the main channel which this river leaves in dry weather, shall then follow its waters until it finds the swamps formed by the river called the Laguna de los Xarayes, and shall cross this lake until the mouth of the river Jaurú.

X Article.—From the mouth of the Jaurú on the western side, the frontier shall continue in a straight line until the southern bank of the river Guaporé or Itenes, opposite to the mouth of the river Sararé, which flows into the said Guaporé by its northern bank; but should the Commissioners



entrusted with the settlement of the boundaries and the execution of those articles find at the time of surveying the country between the rivers Jaurú and Guaporé, other rivers or natural boundaries through which more conveniently and with greater security the line on that place can be marked out, always saving the navigation of the Jaurú which must belong exclusively to the Portuguese, as the route that they use from Cuyabá to Matto-grosso, the two high contracting Parties consent and approve that it be thus established without paying attention to any larger or smaller portion of land which may lie to one or the other side. From the place to be marked out on the southern bank of the Guaporé as the end of the line, as it has been explained, the frontier shall descend through all the stream of the river Guaporé down to its union with the river Mamoré that has its source in the province of Santa Cruz de la Sierra and crosses over the Mission of the Moxos, forming together the river called de la Madera, which flows into the Marañon or Amazons by its eastern bank.

XI. Article.— The line shall descend through the waters of these two rivers, Guaporé and Mamoré, already joined with the name of Madera until the place situated at equal distance from the river Marañon or Amazons and from the mouth of the said Mamoré, and from that place it shall continue by a line east-west until finding the eastern bank of the river Jabarí which flows into the Marañon by its southern bank, and descending through the waters of the said Jabarí until the opposite place of draining into the Marañon or Amazons, it shall continue down the stream of this river, which the Spaniards use to call Orellana and the Indians Guiena until the most western mouth of the Japurá which drains into it by its northern bank.

XII Article.— The frontier shall continue ascending up the stream from the said most western mouth of the Japurá and through the middle of this river until that place where the Portuguese settlements on the banks of the said rivers Japurá and Negro may remain covered, as well as the communication or channel between these two rivers which the same Portuguese used at the time of celebrating the Treaty of Boundaries of 13th January, 1750, according to its literal sense and of its IX Article, which will be fully performed according to the state of the matters at that time without injuring either the Spanish possessions, nor its respective dependencies and communications with them and with the Orinoco, so that neither the Spaniards may introduce themselves into the aforesaid settlements and Portuguese communication nor pass down the stream from the said western mouth of the Japurá, nor from the line pointed out to be drawn on the Rio Negro as on all those flowing into it, nor the Portuguese may ascend up their streams, nor through other rivers flowing into them, in order to pass from the referred point of the line to the Spanish settlements and to their communications, nor to ascend towards the Orinoco, nor to extend themselves towards the provinces settled by Spain or the uninhabited places which are to belong to it according to the present articles, to which purpose the persons to be appointed for the execution of this Treaty, shall mark out those boundaries searching out the lakes and rivers which should join the Japurá

and Negro and lie nearer the North and they shall fix on them the place from which the navigation and use of either nation are not to pass, when the frontier deviating from the rivers should continue over the mountains lying between the Orinoco and Marañon or Amazons, straightening also the boundary line as much as possible towards the North, without paying attention to more or less ground which may remain to either Crown, provided that the expressed purposes be attained until finishing the referred line where the dominions of both Monarchies end.

XIII Article.— The navigation of the rivers through which the frontier or boundary line may pass shall be common to the two nations until the place in which both banks might respectively belong to both; and said navigation and use of the rivers shall exclusively belong to that nation to which their two banks might exclusively belong from the place where this belonging should begin; so that the navigation shall wholly be common or exclusive as the banks or borders of the river might be the former or the latter, and in order that the subjects of both Crowns may not be ignorant of this rule, landmarks shall be set on every place where the divisory line may join some rivers or separate from them with inscriptions showing the use and navigation of that river to be common or exclusive to both or to one of both nations, said inscriptions further stating which nation may pass that place, and which one may not under the penalties established by this treaty.

XIV Article.— All the islands lying on any of the rivers through which the line is to pass according to what has been agreed in the present preliminary Articles, shall belong to the dominion to which they would lie nearest, in the dry weather and season and in case that they be situated at equal distance from both banks, they shall remain neutral, unless they should be of large extent and usefulness, in which case they shall be divided by halves, drawing the corresponding line of separation in order to determine the limits of both nations.

XV Article.— In order that the boundaries suggested in the articles of this treaty may also be determined with the greatest accuracy and that all the points through which the boundary line is to pass may be specified, without affording room to the the least doubt in future, so that a Definitive Treaty may be agreed upon with the detailed expression of the whole of them, Their Catholic and Most Faithful Majesties shall appoint Commissioners, or authority shall be given to the Governors of Provinces in order that they or the persons which they should choose, these ones to be of acknowledged, probity, intelligence and acquaintance with the country, meeting at the places of the demarcation, may point out the said places, in accordance with the Articles of this Treaty, granting the corresponding instruments and drawing a correct chart of all the frontier which they should survey and mark out, which copies, authorized and signed by them all, shall be communicated and sent to both Courts thereupon placing into execution all that in which they should conform and submitting to a provisional agreement and expedient those points in discord, until their Courts, before which they are to inform, resolve by mutual consent what they should esteem convenient. In order that the greatest bre-

vity be attained in said survey and demarcation of the line and in the execution of the articles of this Treaty, expert Commissioners shall be appointed by both Courts by provinces or territories, so that all that has been adjusted and agreed may at the same time be performed by parts, the Governors of both nations at those provinces to communicate reciprocally, and with anticipation the extent or territory which the Commission covers and the powers of the Commissioners or Expert appointed by each party.

XVI Article.—The Commissioners or persons appointed under the terms expressed in the preceding article, besides the rules established in this treaty, shall bear in mind in regard to what should not be specified in it, that their objects in the demarcation of the boundary line, must be the reciprocal security and perpetual peace and tranquillity of both nations, and the total extirpation of the contraband trade that the subjects of either of them make in the dominions or with the subjects of the other, in behalf thereof, attending to these two purposes, the necessary orders shall be given to them in order to prevent disputes which may not directly injure the actual possessions of both Sovereigns, the common or exclusive navigation of their rivers or channels, according to the stipulations of the XIII Article, or to the cultivation, mines or pastures that they should actually possess and that which would not be given up by this treaty in behalf of the boundary line, the purpose of both August Sovereigns, being that, in order to obtain a true peace and friendship, to the perpetuity and intimacy of which they aspire for the reciprocal tranquillity and welfare of their subjects, attention be only paid, in those vast regions through which the boundary line is to be described, to the maintenance of what each one may remain in possession of by virtue of this treaty and of the definitive one of boundaries and to assure these so that at no time doubts or discords may arise.

XVII Article.—Any person of either nation that would be apprehended making the contraband trade with persons of the other one, shall be punished in his person and property with the penalties imposed by the laws of the nation that would have apprehended him, and in the same penalties shall incur the subjects of either nation for the only fact of entering into the territory of the other one or into the rivers or the part of them which would not exclusively belong to his nation or be common to both ; excepting only the case of those arriving in foreign port or land, through indispensable and urgent necessity, the complete evidence of which they must furnish, or that they should pass to the foreign territory on commission of the Governor or Superior of their respective country to communicate any official letter or advice, in which case they must take with them a passport showing this motive.

XVIII Article.—In the rivers where navigation should be common to both nations, in whole or in part, no fort, guard or register is to be raised or constructed by any of them, nor the subjects of both Powers which should sail them, be obliged to bear visits, take permits with them, nor be subject to other formalities ; and they will only be punished with the penalties expressed in the preceding article should they enter into foreign port or land, or pass further from the place to which said navigation be common, in order to introduce

themselves into the part of river already pertaining exclusively to the subjects of the other Power.

XIX Article.—Should any doubts occur between the Spanish and Portuguese subjects or the Governors and Commanders of the frontiers of the two Crowns about excess of the boundaries marked out or interpretation of any of them, they are not to proceed on any account by ways of deeds to occupy land nor to take satisfaction of what might have happened, but they shall only communicate their doubt to each other and accord provisionally some means of agreement, until the due information having been laid before their respective Courts, the necessary resolutions be communicated to them by the latter of common consent. And the transgressors of the dispositions of this article shall be punished at will by the offended Power, to which purpose its dispositions shall be made known to the Governors and Commanders. The same punishment shall be suffered by those who should attempt so settle in, profit by or enter into the border, line or space of land which should be neutral between the limits of both nations ; and to this end, as well as to prevent in the said neutral lands through all the frontier, the abetting of thieves or assassins, the Governors of the frontier shall take, also by common consent the necessary measures, according the means of apprehending and of extinguishing them by the imposition of most severe punishments. In the same way the wealth of that country consisting of the slaves which work in its agriculture, said Governors shall agree upon the manner of mutually delivering the fugitives, their liberty not to be obtained by passing to a different dominion, but only protection to save them from violent punishment in case any other crime committed by them should not demand it.

XX Article.—For the perfect execution of the present treaty and its perpetual firmness, the two August contracting Monarchs, animated by the principles of union, peace and amity which they desire to firmly establish, cede, renounce and transfer to one another, in their name and that of their heirs and successors all the right or possession which they may have or adduce to whatever lands or navigation of rivers that by the boundary line pointed out in the articles of this treaty for all South America should rest in favor of the two Crowns as, for instance, that which is occupied and remains to the Crown of Portugal on both banks of the river Marañon or of Amazons, on the part on which they are to be of its exclusive dominion, and that which it occupies in the districts of Mattogrosso and from it towards the East : as well as that which is reserved to the Crown of Spain on the bank of the same river Marañon from the entrance of the Javari, where the aforesaid Marañon is to divide the dominion of both Crowns until the most western mouth of the Japurá ; and in any other part that, after the line pointed out in this treaty any lands should remain to either Crown, said lands shall be evacuated on the part which they would be occupied within the term of four months or before if possible, subjects of the evacuating nation to enjoy the liberty of leaving them with their goods and effects and of selling the landed property, as it has already been stipulated by Article VII.

XXI Article.—To the end of consolidating said union, peace and friend-

ship between both Monarchies and of extinguishing every motive of dissension, even with respect to the dominions of Asia, H. M. F. M., in her name and in her heirs and successors, cedes in favor of H. C. M., his heirs and successors, all the rights which she may have or adduce, to the dominion of the Phillippine Islands, Marianas and others which the Crown of Spain may possess in those parts, that of Portugal renouncing to whatever action or right it could have or promote on account of the Treaty of Tordesillas, of the seventh of June, one thousand four hundred and ninety-four, and of the stipulations of the deed executed at Zaragoza on the twenty-second of April, one thousand five hundred and twenty-nine, the price which it paid for the sale agreed in the said deed not to be re-demanded, nor any other motive or foundation be argued against the cession agreed by this Article.

XXII Article.—As a proof of the same union and friendship so earnestly desired by both August contracting Parties, H. C. M. offers to return and evacuate within the term of four months from the ratification of this treaty, the Island of Santa Catalina, and the part of the continent next to it which should have been occupied by the Spanish arms, with the artillery, ammunition and other effects existing at the time of the occupation. And H. M. F. M., in correspondence to this restitution, promises that at no time, be it of peace or of war, in which, as it is to be hoped and desired, the Crown of Portugal shall not take part, it shall not consent that any foreign fleet or war or merchant-vessel to enter the said port of Santa Catalina or those of its immediate coast, nor that they would take shelter or remain in them especially if they be vessels of a Power at war with the Crown of Spain, or that any suspicion may arise of their being bound to contraband. Their C. and M. F. Majesties shall promptly cause the convenient orders for the execution and punctual observation of all what is stipulated by this Article to be issued, and a duplicate of them shall mutually be exchanged to the end, that the least doubt may not arise about the exact accomplishment of the subject which it encloses.

XXIII Article.—The Spanish and Portuguese fleets and troops now present on the seas or ports of South America shall retire to their respective stations, those to remain being only the regular ones in time of peace, about which reciprocal instructions are to be given by the General and Governors of both Crowns, in order that the evacuation may be performed with all possible equity and corresponding good faith within the brief term of four months.

XXIV Article.—In case that, to complement this treaty, and for its ample explanation, some article or articles should be agreed besides the above-mentioned ones, they shall be considered as part of this treaty; and the high contracting parties shall also be obliged to their inviolate observance and to satisfy them within the same term to be determined in this.

XXV Article.—The present Preliminary Treaty shall be ratified within the precise term of fifteen days from its being signed or before if possible.

In faith whereof, we, the undersigned Ministers Plenipotentiaries, sign with our hands in the name of our August Masters, and in virtue of the full powers which therefor authorize us, the present Preliminary Treaty of Boun-

daries, and sealed it with the seals of our Arms. Done at San Yldefonso, the first of October, of one thousand seven hundred and seventy-seven.—(L. S.) Count de Floridablanca.—(L. S.) D. Francisco Ynocencio de Souza Coutinho.

Therefore, having seen and examined the said Preliminary Treaty of Boundaries, I have acceded to approving and ratifying it, as in virtue of the present I approve and ratify it in the best and amplest possible form, promising upon the faith of my royal word, fully to fulfill all that it contains. For further firmness and validness thereof, I ordered the present to be issued, signed with my hand, sealed with my private seal, and countersigned by my undersigned Secretary of State and of the Indies' Déspatch, at San Lorenzo the Royal, the eleventh of October, of one thousand seven hundred and seventy-seven.—(L. S.) I, THE KING.—JOSEPH DE GALVEZ.



1778

**TREATY OF FRIENDSHIP,  
Guaranty and Commerce, between the Kings of Spain and  
Portugal. (Ratified by the King of Spain  
on the 24th of March.) (\*)**

EL PARDO, 11th March, 1778.

In the name of the Holy Trinity: By the I Article of the Preliminary Treaty of Boundaries, happily concluded between the two Crowns of Spain and Portugal and their respective Plenipotentiaries, in San Ildefonso, on the first of October, of the last year of one thousand seven hundred and seventy-seven, the Treaties of Peace, celebrated between the same Crowns in Lisbon, on the thirteenth of February, one thousand six hundred and sixty-eight, in Utrecht on the sixth of February, one thousand seven hundred and fifteen, and in Paris in the same month of February, one thousand seven hundred and sixty-three, were confirmed and revalidated, as if they were inserted word for word in the mentioned treaty of 1777, inasmuch as they were not derogated by it.

The two treaties of Lisbon and Utrecht before-mentioned, and which have now been renovated, have been, especially the first, the basis and foundation of the reconciliation and union of the two Monarchies, Spanish and Portuguese, to arrive at the position in which they are to-day, the one with respect to the other; and by such a worthy cause both treaties were warranted by the Kings of Great Britain, this guaranty being formally stipulated in the XX Article of the Treaty of Utrecht, of the thirteenth of July, one thousand

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(\*) *Colección de Tratados de la República Argentina.* Vol. III, App. p. 48.  
*Collecção de Tratados de Portugal,* Vol. III, p. 268.



seven hundred and thirteen, celebrated between the Crowns of Spain and England. But just as the above-mentioned of Paris, on the tenth of February, one thousand seven hundred and sixty-three, originated by the XXI Article and others, gave rise to some doubts and difficulties, on the diverse interpretation of which many of the disagreements in South America between the vassals of both Crowns have been based; likewise, other articles and expressions of the two previous treaties of Lisbon and Utrecht, and several points that since then remained undecided, and which until now have not been explained, might produce in future equal or greater disputes, or at least the obliteration and unobservance of the agreements, thus originating motives for new disputes; their Catholic and Faithful Majesties, desiring in consequence to avoid forever such risks and avoid their results, have resolved by means of the present treaty, and to comply closely with the mentioned I Article of the Preliminary Treaty of 1777, to give all the consistency and explanation required to the ancient treaties already confirmed, thus establishing the most intimate and indissoluble union between both Crowns, to which they are naturally bent by their situation and vicinity, the ancient marriages and relationship of their respective Sovereigns, the identity of origin, and the reciprocal interest of both nations. Finally, to carry into effect so plausible, great and advantageous ideas, the High, Powerful and Excellent Prince Charles III, King of Spain, and the Indies, and the High, Excellent and Powerful Princess Mary, Queen of Portugal, of Algarbes, etc., agreed to name their respective Plenipotentiaries as follows: His Catholic Majesty, the King of Spain, appoints His Excelency, Don José Moñino, Count of Floridablanca, Knight of the Royal Order of Charles III, his State Councillor, State Secretary, Chief Cabinet-Officer, General Superintendent of Terrestrial and Maritime post and post roads and taxes in Spain and India, and Her Faithful Majesty, the Queen of Portugal, appoints Don Francisco Incencio de Souza Coutinho, of the Order of Christ, of her Council and her Ambassador, near His Catholic Majesty, both of which appointees, knowing the intention of their respective Sovereigns, after having communicated to each other their respective powers, and finding them in due form, have agreed in the name of both Monarchs on the following articles:

I Article.—In conformity with that agreed upon between the two Crowns in the said treaty of the thirteenth of February, of one thousand six hundred and sixty eight, and especially in its III, VII, X and XI Articles, and in ampler explanation of them, following other ancient treaties referred to in said Articles and in use at the time of King Don Sebastian, and those celebrated between Spain and England, the fifteenth of November, of one thousand six hundred and thirty, and twenty-third of May, one thousand six hundred and sixty-seven, which were also communicated to Portugal, the two High contracting Princes declare, for themselves and in the name of their heirs and successors, that the peace and amity that between them has been established and that shall be observed between their respective subjects through all the extension of their vast dominions in both worlds, ought and will be in conformity with the alliance and good understanding that existed between the

two Crowns in the time mentioned, of the Kings, Charles the I, and Phillip the II of Spain, Don Manuel and Don Sebastian of Portugal, Their Catholic and Faithful Majesties and their vassals, lending each other the help and offices that correspond between true and faithful allies and friends, in such a manner that the one procures the good and utility of the other, and avoid and impede reciprocally the injuries and prejudices in all they know or understand.

II Article.—In consequence of that pacted and declared in the preceding Article, and the rest that is expressed in the ancient treaties that have been renovated, and the others to which they refer and which were not derogated by those following, Their Catholic and Faithful Majesties promise not to contemplate the one against the other nor against their states in any part of the world, any kind of war, alliance, treaty or council, nor to allow the entrance to their ports or lands, nor the direct or indirect help or subsidies for it of any sort whatever, nor to permit their respective vassals to do so; on the contrary, they will advise each other of anything they may know, hear or presume, to be directed against either Sovereign or their dominions, rights or possessions, be it out of their Kingdoms or within them, each one to mediate, negotiate and help the other by common accord, to impede or repair reciprocally the injury caused to either Crown, to which end they will communicate mutually and to their Ministers in other Courts, and to the Vice-Regents and Governors of their Provinces, the orders and instructions they may deem convenient upon this matter.

III Article.—With the same object of fulfilling the engagements contracted in the previous treaties, and the others to which they refer as availing between the two Crowns, Their Catholic and Most Faithful Majesties have agreed to give more light as to the sense and vigor of them; and in engaging themselves, as they herein do, to the reciprocal guaranty of all their dominions in Europe and adjacent islands, regalia, royal privileges and rights which they now enjoy in them; also, to renovate and revalidate the guaranty and other points established in the XXV Article of the Treaty of Boundaries, of the thirteenth of January, one thousand seven hundred and fifty, which will be copied at the end of this one, the boundaries therein established, with respect to South America, to be understood according to the terms lately stipulated and explained in the Preliminary Treaty of the first of October, one thousand seven hundred and seventy-seven, the tenor of which Article XXV is as follows:

« For a further security of this treaty, both high contracting parties agreed  
« to give to each other guaranty for all the frontier and adjacencies of their  
« dominions in South America, as it has already been expressed, obliging  
« themselves to help and succor each other against whatever attack or invasion,  
« until he may effectively rest in the peaceful possession and free and  
« full use of that which he was intended to be bereft of; and this obligation, with  
« regard to the sea coasts and neighboring countries, on the part of Her Most  
« Faithful Majesties, shall extend up to the banks of the Orinoco on both sides,  
« and from Castillos to Magellan's Strait, and on that of Her Catholic Majesty  
« it shall extend to the borders of both banks of the river Amazon or Marañon,

«and from the mentioned Castillos to the port of Santos. But with regard to the interior of South America, this obligation shall be indefinite, and in any case of invasion or insurrection both Crowns shall help and succor each other until affairs may reach a peaceful settlement.»

IV Article.—Should either high contracting party, out of the case comprised in the guaranty of the preceding article, of being invaded in his or her lands, possessions and rights, go to war with another power, the one not taking part in said war shall only be bound to keep and cause to be kept through his or her lands, ports, coasts and seas, the most exact and scrupulous neutrality; reserving for cases of invasion or attempts to it in the dominions warranted, the reciprocal defence to which both Sovereigns shall be obliged in consequence of their agreement, which they desire and promise to comply religiously without failing in the treaties now in force between the high contracting parties and other Powers of Europe.

V Article.—Following the intentions of the two immediately preceding articles, although by the XXII article of said treaty of San Ildefonso of the first of October of one thousand seven hundred and seventy-seven, it was convened that on the island and port of Santa Catalina and its neighboring coast the entrance of strange fleets or ships of war or commerce would not be allowed in the form therein given, true as it is that the object in view was not to fail in hospitality in cases of absolute necessity and forced arrival avoiding the abuse of contraband, of hostility or of invasion against the friendly Powers, as well as that the object was not to impede the entrance of Spanish ships into that port nor on the coast of Brazil in necessary cases nor to deny them the help and provisions corresponding between good friends and allies, with due regard to the laws and prohibitions of the country in which they should arrived; Their Catholic and Faithful Majesties have deemed it convenient thus to declare it, so that by this declarations all that has been stipulated in any other part on this matter shall be understood and regulated.

VI Article. — The stipulations in the XVIII article of the treaty of Utrecht of the sixth of February of one thousand seven hundred and fifteen, celebrated between the two Crowns, shall be strictly complied with, and to the better explanation of it, and of the ancient treaties and conventions of the time of King Don Sebastian, the two high contracting Princes declare, that said conventions, besides the crimes it specifies, shall comprise, being it understood that it thus comprise them as if they had been individually named, the crime of counterfeit coining, smuggling by extraction or introduction of material absolutely prohibited in both Kingdoms and desertion from the military corps, on sea or land, the delinquents and deserters to be extradicted, notwithstanding that from the punishments to be imposed on this last, that of death is excepted, to which they shall not be condemned, both Monarchs offering to substitute it by one not been that of capital punishment. To facilitate the quick apprehension and extradition of the ones and the others, both high contracting parties have agreed that said apprehension and extradition be executed with no other requisites, whenever they should be asked

by the Ministers or Secretary of State of Foreign Affairs either of Power by official note, either directly or indirectly or through the respective Ambassadors of both Sovereigns, but in cases in which the surrendering of the criminal be demanded by the Courts, the usual formalities in this sort of proceedings shall be observed, from the time in which said peace and amity became adjusted. Finally, should Their Catholic and Faithful Majesties deem it convenient in future to make any new explanation as to the points of which this article treats, specifying some other precise case, they rest engaged to give themselves communication of it, and to come to a friendly agreement, their stipulations to be by them caused to be obeyed, as well as all herein stipulated to the fulfilment of which they shall presently issue all orders required.

VII Article. — By the XVII article of the treaty of Utrecht already referred of 6th. of February 1715, it was adjusted that both nations, Spain and Portugal should reciprocally enjoy in their respective dominions of Europe, all the advantages in commerce, and all the privileges, liberties and exceptions until then conceded or to be in future conceded, to the most favored and privileged nations among those trading in them and besides that which is contained in said article it was agreed in a separate article not to leave any uncertainty as to the agreement, that commerce between the two nations, once reestablished to its state before the war that preceded the same treaty, said commerce should thus stand, until the agreement on which it should run be declared. In consequence, therefore, of said articles and of their having been renovated, revalidated, and ratified in the I Article of the preliminary treaty of boundaries all the treaty of Utrecht, Their Faithful and Catholic Majesties, have promised each other to comply with and to observe strictly and specifically the text of the mentioned XVII Article and the separate one as it literally appears from them.

VIII Article. — To make the declaration reserved in said separate article, upon the agreement or manner in which commerce should run between both nations, Their Catholic and Faithful Majesties have agreed to let the guide to said declaration be the III and IV Articles of the treaty celebrated between the two Crowns on the thirteenth day of February, one thousand six hundred and sixty-eight, guaranteed by Great Britain, and equally renovated and ratified in the I Article of the preliminary Treaty of Boundaries, as far as they were adaptable, which articles are to the letter as follows :—

«III Article.—The vassals and inhabitants of the lands held by either  
«King shall live in all friendly correspondence and amity, without showing re-  
«signment for past offences and injuries, and shall communicate, and enter and  
«frequent the frontiers of each other, and use and practice commerce in all  
«security by land and sea in the form and manner accustomed in the time of  
«the King Don Sebastian.—IV Article.—The said vassals and inhabitants of  
«both parts will enjoy reciprocally the same securities, liberties and privileges  
«conceded to the subjects of His Most Serene Majesty the King of Great  
«Britain, by the treaty of the twenty-third day of May, one thousand six hun-  
«dred and sixty-seven, and another in one thousand six hundred and thirty,

« in that which is not derogated by the present, in the same form and manner  
« as if all those articles by reason of commerce and the immunities regarding  
« to it, should be herein expressly declared, without exception whatever of any  
« article, changing only the name in favor of Portugal. And these same  
« privileges shall be made use of by the Portuguese nation in the dominions of  
« His Catholic Majesty, as practiced in the time of King Sebastian.»

IX Article.—In consequence of the stipulation of the preceding article, all the referred treaty of the twenty-third day of May, one thousand six hundred and sixty-seven, celebrated with Great Britain, shall be common to both nations, Spain and Portugal, without further modifications or explanations than the same that may have occurred between the two Crowns of Spain and England, reserving to the two nations, Spain and Portugal the applications to them conceded by ancient privileges of their respective monarchs, and by them enjoyed during the reign of Don Sebastian.

X Article.—As a complement to the previous articles and of said treaties, and to the greater precision in their execution, the lists and custom regulations of the twenty-third of October, one thousand six hundred and sixty-eight and others, that may have been formed for the collection of import duties on products and merchandise to enter Portugal from Spain and from Spain into Portugal by their ports of land and sea, will be revised, and by common agreement arranged, amplified and modified, according to the tenor of said treaties, proportion being kept to the variations that time may have caused in the names and prices of said products and merchandise, increase or decrease of their kind or specie and other points.

XI Article.—In said lists and custom regulations the prohibitions shall also be specified that are to stand about the introduction of some goods and fruits of any of both Kingdoms in the dominions of the other; and Their Catholic and Faithful Majesties have actually agreed that among said prohibitions those shall be abolished; not being absolutely essential to the good internal government of both monarchies, both to keep on this point reciprocally a consideration alike that which they should have and observe with others of the nations most favored, so that all particular jealousy shall be suppressed, and the articles of the said treaties of 1667-1668 and 1715, in which it is so capitulated and guaranteed, shall be strictly complied with.

XII Article.—In the same manner, a collection of the privileges which both nations have enjoyed in the time of King Don Sebastian shall be gathered, and said collection, authorized with the usual formalities, will be esteemed and considered as part of that treaty, as well as the list of custom regulations mentioned in the preceding article.

XIII Article.—Their Catholic and Faithful Majesties desiring to promote the advantages of commerce among their respective subjects, which may be verified in that which they may reciprocally make by the buying and selling of negroes, without binding themselves with contracts or injurious engagements, as those in other times made with the Portuguese, French and English companies, which it was necessary to curtail and annul, both high contracting Princes, in order to reach those and other ends and to compensate in some

manner the cessions, restitutions and resignations made by the Crown of Spain in the preliminary treaty of boundaries of the 1st of October 1777, Her Faithful Majesty will cede and cedes for herself and in the manner of her heirs and successors, to His Catholic Majesty and His, to the Crown of Spain, the island of Annobon, on the coast of Africa, with all the rights, actions and possessions she has to said island, so that it should from to-day belong to the dominions of Spain, in the same manner in which it has until now belonged to the Crown of Portugal, and, in the same way, all the right and action it has or may have to the island of Fernando del Po in the Gulf of Guinea, so that the vassals of the Crown of Spain may establish themselves in it, and trade in the ports and coasts opposite to said islands, such as the ports of the river Gabon, of Camarones, of Santo Domingo, of Cape Ferosa and others of that district without impeding or disturbing by this the commerce of the vassals of Portugal, especially of those of Prince Island, and that of Santo Tomé, to-day trading, or to trade in future, on the said coast and ports, the Spaniards and Portuguese to act in the most perfect harmony, without any cause or pretext to harm each other.

XIV Article.—All Spanish vessels, whether men-of-war or ships of commerce, to stop at Prince Island, or that of Santo Tomé, belonging to the Crown of Portugal, to rest their crews or take in victuals or other necessary effects, shall be received and treated in said islands, as if belonging to the most favored nations : and the same will be done with the Portuguese ships of war or of commerce going to the island of Annobon or of Fernando del Po belonging to His Catholic Majesty.

XV Article.—Besides the help to be reciprocally lent by both nations, Spain and Portugal, in said islands of Annobon and Fernando del Po and in those of Santo Tomé and Prince, Their Catholic and Most Faithful Majesties have agreed that between the subjects of both Sovereigns a free and open traffic may be carried on, and in case that Portugal should bring them to said islands of Annobon and Fernando del Po, they will be bought and paid quickly and exactly, as long as the prices are conventional and proportioned to the quality of the slaves, without exceeding those usual with other nations in similar sales and places.

XVI Article.—His Catholic Majesty equally agrees that the leaf tobacco to be sold for the commerce of said islands and immediate coasts of Africa, will be for a period of four years, of that produced in the Brazilian dominions; to which end a formal contract will be arranged with a person or persons, designated by the Court of Lisbon, to which the quantity of tobacco, price and other details belonging to the point shall be specified; and after said four years, it will be possible to treat, with greater knowledge of the prorogation or otherwise of the contract that should afterwards be made, and to apply, modify or enlighten its conditions.

XVII Article.—The articles of this treaty or some of them being of possible adaptation to other foreign Powers, that the two contracting parties, might find convenient to invite to their adherence, Their Catholic and Most Faithful Majesty reserve to themselves, the agreement on this point, and the

right to settle it in all its parts to the reciprocal advantage of both Crowns, and of those invited or who should desire to adhere to it.

XVIII Article.—Both contracting Princes shall take care to publish in their respective dominions, and to make known to all their vassals, the agreements and obligations of this treaty, charging the greatest exactitude and observance in its execution, the trespassers to be vigorously punished.

XIX Article.—The present treaty shall be ratified in the precise term of fifteen days after being signed or before if possible.

In faith of which, we the undersigned Plenipotentiary Ministers, sign by our hand, in the name of Our Most August Masters and in virtue of the Powers with which we are invested for it, by the present treaty; and we seal it with the seal of our arms.

Dated in the Royal Site on the eleventh day of March of the year one thousand seven hundred and seventy-eight.—COUNT OF FLORIDA BLANCA.—DON FRANCISCO INOCENCIO DE SOUZA COUTINHO.

His Catholic Majesty ratified the preceding treaty by instrument executed in the same site of Pardo, the twenty fourth day of said month and year, countersigned by the Secretary of State and despatch of Indies, JOSÉ GALVEZ.

1812

**Reception of His Excellency Juan Rademaker, Envoy Extraordinary of His Majesty the Regent of Portugal. (\*)**

Lieutenant Colonel Juan de Rademaker, Envoy Extraordinary of His Royal Highness the Prince Royal of Portugal, arrived yesterday to this capital. He was received at the pier by an Aide-de-Camp of the Superior Government, and was conducted to the Palace of the fortress where proper lodgings had been prepared for him. At seven o'clock in the evening the Secretary of State paid his respects to him and announced the audience that the Government granted him in the parlors of his Ministry. The Envoy went immediately, and he was received by His Excellency with the greatest demonstration of consideration and esteem. His credentials were acknowledged and the interview been opened he stated: that the Royal Highness had no other aims but to firmly reestablish the relations of peace, friendship, and good harmony between both territories: that to this end His Highness had communicated his orders to General Diego de Souza, so that he with all his army, and without any loss of time should retire to the Portuguese frontier: that he supposed him to be already in march as he had sent the communications the previous week; and that in order to draw up and sanction the treaties of the negotiations he asked in the name of His Highness the Prince Regent, that the hostilities should cease between both armies, and that the retreat of the Portuguese to their territory should not be obstructed, at the same time he presented an official letter of the Ambassador of His Britannic Majesty near

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(\*) These documents are published in the National Register of the Argentine Republic, year 1812, under the numbers 329 and 363. Copies, legalized by the Sub-Secretary of Foreign Relations form part of group A, No. 1 of manuscript documents of the "Argentine Evidence."



His Highness in which the King of Great Britain offered his mediation and guaranty as to the firmness and validity of the treaties which be celebrated. The Government, faithful to its principles and in order to give a positive proof that the victorious arms of the country have no other purpose but to humble the pride of the tyrants, and to defend with honor the liberty and civil independence of the United Provinces of the River Plate has resolved to grant the armistice and to order our troops to retire from the Portuguese territories in the meantime that the negotiations be concluded and the treaties be ratified with the mediation of the proper authority, who will immediately instruct the people for their knowledge and satisfaction.—Buenos Ayres, May 27th 1812. —FELICIANO ANTONIO CHICLANA.—JUAN MARTIN DE PUEYRREDON.—BERNARDINO RIVADAVIA. — NICOLAS DE HERREIRA, *Secretary*.

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**Armistice concluded on the twenty sixth between the Most  
Excellent Provisional Superior Government of the United  
Provinces of the River Plate and Lieutenant Colonel  
Juan Rademaker, sent as Envoy for this purpose  
by His Royal Highness the Prince Regent  
of Portugal.**

The Most Excellent Government of these Provinces having heard all that the Envoy of the Royal Highness the Prince Regent of Portugal had proposed to him after examining his credentials and necessary powers to negotiate, and after sufficient discussion His Excellency concluded with the same Plenipotentiary the following treaty :

I Article.—The hostilities between the troops of His Royal Highness the Prince Regent of Portugal or other Portuguese armed bodies, and the troops or other armed bodies of the dependency of the Most Excellent Provisional Government of these Provinces, shall cease, and for this purpose the proper notice of this arrangement and convention will be sent to the Most Excellent Generals in Chief of the respective armies.

II Article.—An unlimited armistice shall be observed between the two armies, and in case of some unfortunate circumstances which can not be foreseen and which let God never permit, it should be necessary to again take up arms, the most Excellent Generals of the opposite armies are reciprocally obliged and by virtue of this armistice, to send the proper notice of the breaking of this convention, three months before they can break anew the hostilities ; we hope very sincerely that this clause only of caution will at no time be necessary.

III Article.—As soon as the Most Excellent Generals of the two armies

shall have received the notice of this convention, they will give the necessary orders not only to avoid all engagements of war, but also to retire as soon as possible the troops under them within the limits of the territory of the two respective States ; these limits being understood to be the same as those acknowledged as such before the Portuguese army commenced its marches towards the Spanish territory ; and in testimony and faith that these territories remain invariable while this convention is enforced and that every thing therein stipulated will be exactly fulfilled, we sign this document for its due proof, in Buenos Ayres on the twenty sixth of May one thousand eight hundred and twelve.—By order of its Excellency the Superior Government of the United Provinces of the River Plate, as its Secretary of War and of the Treasury, and temporarily of the Interior and Foreign Affairs.—NICOLÁS DE HERRERA.—JUAN RADEMAKER.—There are two seals.



1857

**TREATY OF LIMITS**

**between Brazil and the Argentine Confederation. (\*)**

PARANÁ, December 14th 1857.

In the name of the Holy and Indivisible Trinity: The Vice-President of the Argentine Confederation, in exercise of the Executive Power, and His Majesty, the Emperor of Brazil, desiring to leave solidly established the harmony that happily reigns between the two nations, removing all that may be a motive to future disagreement, and having in view at the same time to favor the development of the respective frontier relations and commerce, have agreed to recognize by a treaty the boundaries of their territories, between the rivers Uruguay and Paraná, naming to that effect their Plenipotentiaries, as follows:

The Vice-President of the Argentine Confederation appoints Their Most Excellent Drs. Santiago Derqui and Bernabé Lopez Secretary Ministers of State in the Departments of the Interior and Foreign Affairs, and His Majesty, the Emperor of Brazil, appoints H. E. Counsellor José Maria da Silva Paranhos his Envoy Extraordinary and Minister Plenipotentiary in Special Mission, in the Argentine Confederation, Commander of the Imperial Order of the Rose, Great Cross of that of Saint Anne of Russia of the first class, Deputy to the General Legislative Assembly of the Empire, both of which Plenipotentiaries, after having exchanged their full powers, which were found in full and due form, agreed on the following articles:

I Article.—The two High Contracting Parties, being accorded on fixing their respective boundaries, agree to declare and recognize as the frontier of the Argentine Confederation and Brazil, between the rivers Uruguay and Pa-

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(\*) *Coleccion de Tratados de la República Argentina.* Vol. I, pag. 536.

raná, as follows: The territory of the Argentine Confederation is divided from the Brazilian Empire by the river Uruguay, the right or occidental bank belonging to the Confederation, and the left or Oriental bank to Brazil, from the mouth of the affluent Cuaraim to that of the river Pipirí-Guazú, where the Brazilian possessions occupy both banks of the Uruguay. The divisory line follows by the waters of the Pipirí-Guazú to its main source, from where it continues by the highest part of the land until it meets the main headwaters of the San Antonio, till its flowing into the Iguazú or Grande de Curitiba, and through this one to its point of confluence with the Paraná. The land that the rivers Pipirí-Guazú, San Antonio and Iguazú separate towards the East, belongs to Brazil, and towards the West to the Argentine Confederation, the waters of the two mentioned rivers in all their course belonging to the common dominion of both nations, and those of the Iguazú only from the confluence of the San Antonio down to the Paraná.

II Article.—The two High Contracting Parties declare, in order to avoid any doubt, and notwithstanding that the places and directions in the first article are well known that, the rivers Pipirí-Guazú and San Antonio, to which said article refers, are those which were recognized in 1759 by the adjusters of the treaty of the thirteenth of January, one thousand seven hundred and fifty, celebrated between Portugal and Spain.

III Article.—The present treaty once ratified, the two High Contracting Parties will each name a Commissioner, to proceed of common accord, in the shortest possible time, to the demarcation of the line, at the points where this were necessary, in conformity with the stipulations of the I Article.

IV Article.—The Commissioners, of whom the preceding article treats, shall, as soon as they finish the demarcation of the land frontier, proceed in common to draw up a plan of the islands of the river Uruguay, comprised within the boundaries of the two countries, and to gather all the necessary data within their reach, so that, in view of their decisions and proofs, both Governments may agree upon the division of the respective dominions on said islands, in accordance with the principles of International Law.

V Article.—The exchange of the ratifications of the present treaty shall take place in the City of Paraná within the term of eight months from its date, or before if possible.

In witness of which, we, the undersigned Plenipotentiaries of the Vice-President of the Argentine Confederation and of His Majesty, the Emperor of Brazil, sign in virtue of our Full Powers the present treaty, and annexed our seals to it.

Done in the City of Paraná, the fourteenth day of the month of December, in the year of Our Lord, Jesus Christ, one thousand eight hundred and fifty seven.—BERNABÉ LOPEZ.—SANTIAGO DERQUI.—JOSÉ MARIA DA SILVA PARANHOS.

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#### **Approbation of the Argentine Government.**

The present treaty being signed and concluded by my Plenipotentiaries, and those of His Imperial Majesty, according to the instructions and preven-

tions which were in effect given to them, I approve it on my part and in virtue of my attributions, said treaty to be elevated to the deliberation of the Federal Congress in the next session for its definite approbation. The present Decree will be recorded before the Minister of the Department of Foreign Relations.—CARRIL.—BERNABÉ LOPEZ.

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**Law of Approbation of the preceding Treaty.**

The Senate and Chamber of Deputies of the Argentine Confederation, assembled in Congress, sanction, with force of law:

I Article.—The stipulations contained in the five articles of the Treaty of Boundaries, between the National Executive Power and H. M. the Emperor of Brazil, through their respective Plenipotentiaries, in this Capital, on the eleventh of December, one thousand eight hundred and fifty-seven, are hereby approved.

II Article.—It is understood that the rivers Pepiri-Guazú and San Antonio, designated as boundaries in the I Article of the treaty, are those under these names situated nearest the East, according to what is stipulated in the II Article of the same.

III Article.—Let it be communicated to the Executive Power, Chamber of Sessions of the Congress in Paraná, Provisory Capital of the Argentine Confederation, on the twenty-fourth day of the month of September, of one thousand eight hundred and fifty-eight.

PASCUAL EEHAGUE,

MATEO LUQUE,

CARLOS M. SARAVIA, Sec.

BENJAMIN DE IGARZÁBAL, Sec.

Department of Foreign Affairs.—Paraná, the twenty-sixth of September, of one thousand eight hundred and fifty-eight. Let it be law and be published.

URQUIZA.

BERNABÉ LOPEZ.



1885

**TREATY FOR THE SURVEY**

**of the rivers Pepirí-guazú and San Antonio, Chapecó or Fequirí-guazú, and Chopim or San Antonio-guazú, and of the territory separating them, disputed between the Argentine Republic and Brazil. (\*)**

His Excellency the President of the Argentine Republic, and His Majesty the Emperor of Brazil, deeming it convenient that the rivers through which each one of the respective Governments understands that the common frontier should run, from the Uruguay to the Iguazú or Grande de Curitiba, and the territory lying between them, have resolved to conclude a Treaty with the said object, and have appointed their Plenipotentiaries, to wit:

His Excellency the President of the Argentine Republic appoints His Excellency Doctor Don Francisco J. Ortiz, his Secretary of State in the Department of Foreign Relations;

His Majesty the Emperor of Brazil appoints His Excellency the Counsellor Doctor Leonel M. de Alencar, Knight of the Orders of Christ and of the Rose, Commander of the Order of Christ of Portugal and of the Royal Order of Isabel la Católica of Spain, His Envoy Extraordinary and Minister Plenipotentiary in the Argentine Republic; both of which Plenipotentiaries, after exchanging their full powers which were found in good and due form, agree upon the following:

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(\*) This is a translation of the original document existing in the Archives of the Department of Foreign Relations of the Argentine Republic, which, in a copy duly legalized, forms part of group A, No. 2 of manuscript documents of the "Argentine Evidence."



I ARTICLE.—Each one of the High Contracting Parties shall appoint a Commission composed of a Chief Commissioner, one second, one third, and three auxiliaries. In cases of impediment or death if not otherwise resolved, the first Commissioner shall be substituted by the second and the latter by the third. Each one of the Commissions may take, with the consent of its respective Government, the necessary personnel for its private service, such as the medical, or any other, and both shall be accompanied by a military force of equal number of men commanded by officers of equal or corresponding rank.

II Article.—The Joint Commission appointed by the two Commissions referred to, shall, in accordance with the instructions annexed to this treaty survey the rivers Pepirí-Guazú and San Antonio and the two lying East of the same, known in Brazil by the names of Chapecó and Chopim and which are called by the Argentines: Pequirí-guazú and San Antonio-guazú, as well as the territory contained between the four,

III Article.—The two Commissions shall meet in Montevideo to agree upon the starting point or points of their work and further necessary matters.

IV. Article.—They shall draw up, in accord and in two copies, the plans of the four rivers, of the territory separating them, and of the corresponding part of the rivers inclosing that territory on the North and South sides, and, with the said plans they shall present to their Governments, identical Reports covering all that may concern the boundary question.

V. Article.—With the report and plans before them, the two High Contracting Parties shall endeavor to decide the said question amicably, concluding a definite and perpetual Treaty that no event, either of peace or war, shall annul or suspend.

VI Article.—The present Treaty shall be ratified and will be put in force six months after the exchange of the respective ratifications; and these shall be exchanged in this city of Buenos Ayres or in that of Rio de Janeiro in the briefest term possible.

In witness whereof, We the undersigned Plenipotentiaries of His Excellency the President of the Argentine Republic and of His Majesty the Emperor of Brazil, sign and seal with our respective seals the present Treaty, in duplicate, in the city of Buenos Ayres on the twenty-eighth day of September 1885.

[L. s.] FRANCISCO J. ORTIZ.

[L. s.] LEONEL M. DE ALENCAR.

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DEPARTMENT OF FOREIGN RELATIONS.

BUENOS AYRES, September 28, 1885.

Approved; let it be submitted to the Honorable Congress.

ROCA.

FRANCISCO J. ORTIZ.

**Instructions referred to in Article II. of the Treaty concluded between the Argentine Republic and Brazil on the 28th of September 1885 for the survey of the territory in litigation on the West and East, and of the same territory.**

I.—The two Commissions appointed by virtue of Article I. of the Treaty referred to in the title of these instructions, in order to survey, in accordance with Article II., the rivers Pepirí-guazú and San Antonio, and Chapecó and Chopim or Pequirí-guazú and San Antonio-guazú, as well as the territory contained between them, will meet in Montevideo as agreed and arrive at an understanding regarding the starting point or points of their work and other matters that may be necessary.

II.—This work may be begun at the mouth of the Pepirí-guazú or at that of the San Antonio, and also, if deemed preferable, at these two points at the same time, the Joint Commission dividing itself to this effect in two companies or parties in which the two Commissions forming the said Joint Commission shall be evenly represented.

III.—In the first hypothesis, the whole Joint Commission, or part of the same, as may be determined by the chief Commissioners, shall enter by the mouth of the Pepirí-guazú, and, ascending by the same, shall look for the main source of the other and descend by the latter as far as its mouth.

IV.—The survey shall begin by the said two rivers, they being the first ones of the controversy which are met ascending the Uruguay and the Iguazú or Rio Grande de Curitiba.

V.—They shall then proceed in the same manner with the survey of the Chapecó, and of the Chopim or Pequirí-guazú, and San Antonio-guazú.

VI.—The territory lying between the four rivers may be surveyed after the Pepirí-guazú and the San Antonio, and before the other two, after the survey of the former on the return of the Commission, or in parts, as may be deemed easier or more convenient.

VII.—The Portuguese and Spanish surveyors of 1759 and 1789 determined the latitude of the source and the mouth of each one of the former rivers, that is, the Pepirí-guazú and the San Antonio. They are as follows :

Source of the Pepirí-guazú	{ .	1759	26° 10'
		1789	26° 10'
Mouth of the Pepirí-guazú	{ .	1759	27° 9' 23"
		1789	27° 10' 30"
Source of the San Antonio	{	1759	at 500 paces of that of the Pepirí.
		1789	26° 12'
Mouth of the San Antonio	{	1759	25° 35' 4"
		1789	25° 35'

According to the observations made by the Spaniards in 1789 and 1791, as appears in the Memoir of Oyarvide, the mouth of the Chapecó or Pequirí-guazú is situated on the 27° 06' 50'' extreme Southern Latitude, and on the 5° 07' 43'' Longitude East of Buenos Aires; and its principal source on the 26° 43' 50'' Latitude South, and on the 6° 26' 56'' Longitude East of Buenos Aires.

According to the same Memoir, the source of the Chopim or San Antonio-guazú is situated at 725 toises (fathoms) of that of the Chapecó or Pequirí-guazú. Below this source, at a point which Oyarvide says is the best known on that river, it was observed: Southern Latitude 26° 39' 50'', Longitude 6° 27' 38''. By all these data and various circumstances observed in the two old demarcations, the present Commissions shall be guided in their work.

VIII.—The survey of each one of the four rivers shall be made successively, either upwards or downwards; if this be not practicable in consequence of the waterfalls or other natural obstacles, the Joint Commission shall, when compelled to make deviations, take the necessary precautions to prevent any doubt as to their running on the same river, and these precautions shall be noted down for the knowledge and guidance of any other explorers.

IX.—The same precautions shall be observed in the survey of the territory contained between the sources of the Pepirí-guazú and San Antonio, and Chapecó or Pequirí-guazú, and Chopim or San Antonio-guazú. It is advisable that this territory, that is to say, the union of the sources, shall be determined by everlasting land-marks which, without being actually divisory signs, shall serve as guidance for further explorations.

X.—As the Joint Commission has to explore the territory contained between the four rivers in controversy, they shall find out the means of getting through the same to the respective sources, so that in any future work, they can be easily reached without having to find them ascending each one of the same rivers. The means found, it shall be noted down with all the useful particulars. If found necessary, a similar step shall be taken regarding the territories West of the rivers designated by Brazil, and East of those designated by the Argentine Republic.

XI.—While exploring the territory lying between the four rivers the Joint Commission shall carefully put down the direction of the principal water courses and their sources, of the mountains and woods, and all the particulars the knowledge of which may be useful.

XII.—When meeting in Montevideo the Joint Commission will open a journal, wherein day after day all the work that be done, with the particulars that may be deemed necessary or useful, shall be entered and signed by the three Commissioners of each party.

Of this diary two copies shall be kept simultaneously, one in Portuguese and the other in Spanish. Each particular Commission shall remit their own to their respective Government with the Report and plans spoken in IV Article of the treaty. The two copies of the said Report shall be identical, but each one of them shall be drawn in the language of the Government it is destined for, and signed only by their three Commissioners. To this Report,

where in a general and concise idea of all the work shall be given, there shall be added such remarks as have found no room in the journal, or may not have occurred during its preparation. The Joint Commission cannot discuss questions of right or preference; it is only charged to make the survey of the rivers and of the territory mentioned in II Article of the treaty. Thus, there can be no fear of serious divergencies. If, notwithstanding, any should arise, it shall be submitted to the decision of the Contracting Governments, without interruption to the work in any manner.

XIV.—The Report and its Complement shall be entered in the journal. This being accomplished, the same will be closed and the Joint Commission will then be dissolved.

Drawn in the City of Buenos Aires on the twenty-eighth day of the month of September, 1885.

FRANCISCO J. ORTIZ,  
LEONEL M. DE ALENCAR.

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DEPARTMENT OF FOREIGN RELATIONS.

BUENOS AIRES, Sept. 28, 1885.

Approved,

ROCA.

FRANCISCO J. ORTIZ.

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LAW OF APPROVAL.

The Senate and Chamber of Deputies of the Argentine Nation, assembled in Congress, etc., sanction with force of Law;

I Article.—The Treaty concluded between the National Executive Power and His Majesty the Emperor of Brazil, through their respective Plenipotentiaries in this Capital on the 28th of September, 1885, for the survey of the territory in litigation between the Argentine Republic and the Empire of Brazil, and of the four rivers therein contained, is approved.

II Article.—The Executive Power shall be notified.

Given in the House of Sessions of the Argentine Congress, in Buenos Ayres on the sixth day of November, eighteen hundred and eighty-five.

FRANCISCO B. MADERO.

B. OCAMPO, Secretary of the Senate.

RAFAEL RUIZ DE LOS LLANOS.

JUAN OVANDO, Secretary *ad interim* of the Chamber of Deputies.

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DEPARTMENT OF FOREIGN RELATIONS.

BUENOS AYRES, Nov. 9, 1885.

Execute it, communicate it, and have it inserted in the National Register.

ROCA.

FRANCISCO J. ORTIZ.



1889

### **TREATY OF ARBITRATION**

**concluded between the Argentine Republic and the  
Empire of Brazil. (\*)**

His Majesty the Emperor of Brazil and His Excellency the President of the Argentine Republic, wishing to decide as soon as possible the question of boundaries pending between the two States, agreed, without derogating the treaty of September 28th, 1885 to appoint a term for the closure of the discussion of right, and failing in this, to submit the same question to arbitration by a friendly Government ; and, a treaty being necessary to this end, they appointed their Plenipotentiaries, to wit :

His Majesty the Emperor of Brazil appointed the Baron de Alencar, of His Council and His Envoy Extraordinary and Minister Plenipotentiary in the Argentine Republic ;

His Excellency the President of the Argentine Republic appointed Dr. Don Norberto Quirno Costa, His Minister Secretary in the Department of the Interior, and *pro tempore* in the Department of Foreign Relations ;

Which Plenipotentiaries, having exchanged their full powers, which were found to be in good and due form, agreed upon the following articles :

I Article. The contention about the right that each one of the High Contracting Parties judges to have to the territory in dispute between them, shall be closed within the term of ninety days to be counted from the ending of the survey of the land in which the head waters of the river Chapecó or

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(\*) This is a translation of the original document existing in the Archives of the Department of Foreign Relations of the Argentine Republic, which in a copy duly legalized, forms part of group A num. 3 of the manuscript documents of the « Argentine Evidence ».

Pequiri-guazú and Jangada or San Antonio-guazú are found. The said survey is understood to end the day on which the Comissions appointed by virtue of the treaty of September 28, 1885, should present to their Governments their reports and plans referred to in the IV Article of the same treaty,

II Article.—Should the time specified in the preceeding Article expire without an amicable solution being reached, the question shall be submitted to the arbitration of the President of the United States of America to whom the High Contracting Parties shall address themselves within the next sixty days, asking him to accept that commission,

III Article, Should the President of the United States of America excuse himself, the High Contracting Parties shall elect another arbiter, in Europe or in America, within sixty days after the receipt of his refusal, and in the case of any further excuse they shall proceed in the same manner.

IV Article.—Upon the acceptance of the appointment, each one of the High Contracting Parties shall present to the arbiter within the term of twelve months to be counted from the receipt of the respective communication, his exposition with the documents and titles conducive to the defense of his rights. The exposition once presented, no *addendum* can be made, except at the demand of the Arbiter, who will have the power to command that the necessary information shall be furnished him.

V Article.—The boundaries shall be established by the rivers that either Brazil or the Argentine Republic has designated, and the Arbiter shall be invited to decide in favor of one of the parties, as he may deem just, and in view of the reasons and the documents they may produce.

VI Article.—The decision shall be pronounced within the term of twelve months, counting from the date of the presentation of the expositions, or from the latest one, if the presentation be not made at the same time by both parties. It shall be final and obligatory, and no reason shall be alleged to obstruct its enactment.

VII Article.—The present Treaty shall be ratified and the ratifications shall be exchanged in the city of Rio de Janeiro in the shortest term possible. In witness whereof the Plenipotentiaries of the Empire of Brazil and the Argentine Republic sign this Treaty and affix their seal in the city of Buenos Ayres on the seventh day of the month of September, 1889.

[L. s.] N. QUIRNO COSTA.

[L. s.] BARON DE ALENCAR.

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#### LAW OF APPROVAL.

Whereas, the Senate and Chamber of Deputies of the Argentine Nation, assembled in Congress, etc., sanction with force of law :

I Article.—The Treaty of Arbitration for the solution of the question of boundaries between the Republic and the Empire of Brazil, signed in Buenos

Ayres en the seventh of September of this year by the Plenipotentiaries of their respective Governments, Doctor Don Norberto Quiro Costa, and Señor Baron de Alencar, is approved.

II Article.—The Executive Power shall be notified.

Given in the House of Sessions of the Argentine Congress on the twenty-second day of October, eighteen hundred and eighty-nine.

JULIO A. ROCA.

AEOLFO J. LABOUGLE, Secretary of the Senate.

T. A. MALBRAN.

JUAN OVANDO, Secretary of the Chamber of Deputies.

Therefore, It shall be Law of the Nation; communicate it, and pass it to the National Register.

JUAREZ CELMAN.

ESTANISLAO S. ZEBALLOS.





**Project of Treaty between the Argentine Republic and the  
United States of Brazil. (\*)**

Under the auspices of the unity of American institutions and in the name of the brotherly sentiments that should prevail among the nations of this continent, the President of the Argentine Republic and the Chief of the Provisional Government of the United States of Brazil, wishing to bring to an amicable end, honorable to both parties, the boundary litigation kept up by the respective nations since colonial times, have decided to conclude a Treaty and have appointed their Plenipotentiaries, to wit : His Excellency the President of the Argentine Republic appoints His Excellency Doctor Estanislao S. Zeballos, his Secretary of State in the Department of Foreign Relations and His Excellency Don Enrique B. Moreno, Envoy Extraordinary and Minister Plenipotentiary in Brazil ; His Excellency the Chief of the Provisional Government of the United States of Brazil appoints His Excellency Señor Quintino Bocayuva, Minister and Secretary of State of Foreign Affairs and His Excellency the Baron de Alencar, Envoy Extraordinary and Minister Plenipotentiary in the Argentine Republic, who, after exchanging their full powers, which were found in due form, agreed upon the following :

I Article.—The frontier of the Argentine Republic and the Republic of the United States of Brazil in the disputed territory of Misiones, begins at the mouth and right bank of the Chapecó or Perquirí-guazú, on the Uruguay, it crosses the *divortia aquarum* of the Iguazú and of the Uruguay between Campo Eré and Campo Santa Ana, at the middle point of the distance between

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(\*) This is a translation of the original document existing in the Archives of the Department of Foreign Relations of the Argentine Republic which, in a copy duly legalized, forms part of group A, No. 4 of manuscript documents of the "Argentine Evidence."

the Coelho establishment in the first Campo, and the bridge of the Paso del Rio Santa Ana on the road to Sierra de la Factura, according to the chart of the same territory by the Joint Exploring Commission, and terminates at the mouth and left bank of the Chopim, on the Iguazú. Between each of the extreme and central points, the boundary line shall be drawn, making use of the best natural limits; it shall avoid such settlements of either nation as may be met on its course, drawing straight lines, except where it cannot be prevented. The rivers Chapecó and Chopim above mentioned, shall remain in the exclusive possession of Brazil.

II Article.—The High Contracting Parties agree to respect the property of such settler who, after the boundary line is drawn, remain on either side, and to grant them title-deeds, provided they can prove that they were settlers with establishments of permanent character one year before this date.

III Article.—The two High Contracting Parties shall opportunely agree upon the organization of a Joint Commission which shall draw the divisory line and will be given the necessary instructions by mutual consent.

IV Article.—The Joint Commission shall plan the tracing of the divisory line, in accordance with Article I of this treaty and with the instructions referred to it in the III; and said plan once approved by the two Governments the demarcation shall be proceeded to upon the ground, if the High Contracting Parties so consider it necessary.

V Article.—This treaty will be ratified and the ratifications exchanged in the city of Rio de Janeiro immediately after its approval by the Argentine Congress and by the Constitutional Assembly of the United States of Brazil.

In witness whereof the Plenipotentiaries referred to sign the same treaty and affix their seals thereto in the city of Montevideo on the twenty-fifth of January, eighteen hundred and ninety.

(L. S.)     ESTANISLAO S. ZEBALLOS.

(L. S.)     ENRIQUE B. MORENO.

(L. S.)     Q. BOCAYUVA.

(L. S.)     BARAO DE ALENCAR.

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DEPARTMENT OF FOREIGN RELATIONS.

BUENOS AYRES, March 27, 1890.

Approved.—It shall be submitted in due course to the to the Honorable Congress.—JUAREZ CELMAN.—ESTANISLAO S. ZEBALLOS.—N. QUIRNO COSTA.—EDUARDO RACEDO.—FILEMON POSSE.

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## **ACT OF AUTHENTICITY**

### **and conformity of the Plans Having Served for the Demarcation of the Frontier Fixed in the Preceding Treaty. (\*)**

On the twenty-fifth day of the month of January of the year one thousand eight hundred and ninety, at the Palace of the Government of the Oriental Republic of the Uruguay at Montevideo being President of the Argentine Republic the Most Excellent Señor Doctor Don Miguel Juarez Celman and Chief of the Provisional Government of the Republic of the United States of Brazil, the Most Excellent Marshal-general Deodoro da Fonseca, the Colonels José Ygnacio Garmendía, First Commissioner and Chief of the Argentine Commission of Boundaries and Dionisio E. de Castro Cerqueira, Third Commissioner and Provisional Chief of the Brazilian Commission of Boundaries, having met, declare authentic the plans of the territory in dispute between the two countries, drawn by the Joint Commission signed and presented to the Ministers of Foreign Relations of the two Republics, the Most Excellent Señor Doctor Don Estanislao S. Zeballos and Senhor Doctor Dom Quintino Bocayuva.

Through these plans the concordance of the mouth of the rivers Piquiriguazú or Chapecó and Chopim and the intermediate point situated at a half distance between the bridge of the river Santa Ana and the farm of Coelho on the road leading from the Hill of the Factura to Campo Eré, is verified.

JOSÉ YGNACIO GARMENDIA.

DIONISIO E. DE CASTRO CERQUEIRA.

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\* This is a translation of the document printed in the "Relatorio do Ministerio das Relações Exteriores" of the United States of Brazil, year 1890, page 38. The book and also the original plan which this document refers to, are accompanied.



**1534-1571**

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Capitulations made by the  
**CROWN OF SPAIN**  
with several Adelantados, for the conquest,  
of the River Plate during the  
**XVI Century.**

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**1534**

**CAPITULATIONS MADE WITH DON PEDRO  
DE MENDOZA.**



1534

### **CAPITULATIONS**

**made with Don Pedro de Mendoza, for the conquest of the  
River Plate. (\*)**

#### **THE KING:**

Whereas you, Don Pedro de Mendoza, my servant and Knight of my house, said that, on account of your great willingness to serve us, and to be a help to the increasing greatness of our royal Crown of Castille, you offer yourself to conquer and to settle the lands and provinces on the river Solis, called Plate, where Sebastian Cabot was, and there to enter and traverse the land to the South Seas, and to take from our dominions at your own cost and expense one thousand men, five hundred of these to go on the first voyage, on which you will go, with stores and provisions for one year, and one hundred horses and mares, the other five-hundred men to go within the two following years, with the same stores and provisions and with the necessary arms and artillery, and you will also endeavor to discover all the islands that might be situated in said South Sea, inasmuch as it might lie within the bounds of our demarcation, all this at your own cost and expense, without ourselves being obliged at any time whatever to pay you or to satisfy the expenses that through it you may experience, more than that to be accorded to you in these capitulations; and you prayed and asked from me the

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nent of  
er Plate.

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(\*) This is a translation of the original document existing in the "General Archives of Indies," which in a copy duly legalized by the United States Consul, at Seville, forms part of the group A. No. 5, of manuscript documents of the "Argentine Evidence."



mercy of the conquest of said lands and provinces of said river and of those neighboring them, and to bestow upon you the grant of them, under the customary conditions as to which I ordered to have it taken with you the following seat and capitulations:

Firstly, I give you leave and faculty so that for us and in our name and of the Royal Crown of Castile, you may enter by said river of Solis, called Plate, until the South Sea, where you may have two hundred leagues of government along the coast which shall commence where the government entrusted by us to Marshall Don Diego de Almagro ends, towards the Straits of Magallanes, and conquer and settle the lands and provinces there may be in said countries.

Moreover, judging you to be compliant in the service of God and of ours, and wishing to honour your person, and to favour you, we promise to appoint you our Governor and Captain General of said lands and provinces and towns of said River Plate and in said two hundred leagues of the South sea-coast, commencing where the limits terminate, which as already said, we have given in government to the said Marshall Don Diego de Almagro, for all the days of your life, with a salary of two thousand ducats in gold in each one year, and two thousand ducats as help-money, making in all four thousand ducats, which you shall enjoy from the day you should sail from these our dominions, to enter into said settlement and conquest, and which said four thousand ducats, as salary and help-money, will be paid to you from the said land that we may possess, during the period of your government and in no other manner whatever.

Moreover, we shall grant you the title of Adelantado of the lands and provinces by you thus discovered and settled in the said river of Solis, and in the said two hundred leagues, and we grant you besides, the perpetual possession of the office of Chief Constable of the said lands.

Moreover, we grant you the power to build, in the said lands and provinces, with the approval and consent of said our officers, as many as three stone fortresses in the parts and places to be deemed most convenient and necessary, in your judgement and that of our said officers, to the defence and pacification of said land, and we grant you the lieutenancy of them, for you and two heirs and successors of you, the one after the other, whom you shall name, under a salary of a hundred thousand farthings and fifty thousand farthings as help-money for each year, with each one of said fortresses thus built, which you shall build of stone at your own cost, without our being obliged, nor the Kings to come after us, to pay you what you may spend in the building of the said fortresses.

Moreover, whereas you have asked from us the granting of a portion of the land and vassals in said countries, to which at present we do not accede for want of information about them, we promise to give you, as we by the present do, ten thousand vassals in said Government, it not being in a sea port or in the head of a province, with the jurisdiction we shall assign you and declare at the time that we should confer on you the said favor with the title of Count, and while we, duly informed as to the quality of the land, shall

order its execution, it is our mercy that you shall receive from us the twelfth part of all fifths we should receive from the said lands, the expenses and salaries by us there incurred to be, before all else, deduced from them.

Moreover, as we give you leave and faculty to conquer and settle the islands of your grant, within the bounds of our demarcation, it is our mercy that you shall receive the twelfth part of the products therein due to us, after deducting the salaries that in said islands we shall pay, while, after being informed about the said islands that you could discover and settle, in said your dominion, and of your services and labors, we shall command such amendment and remuneration in your favor to be made as it pleases us and your labors deserve it. And you having asked us, should God's will be that you die on this voyage before completing said discovery and settlement, to grant your heir or the person named by you, the right of its termination and to enjoy the mercies by us herein conceded, the aforesaid not being sufficient, and to favor you still: We declare that should you enter the said lands and fulfill your engagements, and stay there three years, in such case, your heir or the person by you named, shall have the right to finish said settlement and conquest and enjoy the privileges contained in this capitulations, provided that within two years they be sanctioned by us.

Moreover, whereas, according to the rights and laws of our Kingdoms, should our people or captains of our fleet capture any Prince or Lord in the lands where, by our command, they make war, the ransom of such Lord or chief belongs to us, with all moveable property of his to be found, but considering the great dangers and hardships by our subjects incurred in the conquest of the Indies, as an amendment to them and to favor them we declare and command, that, should in said conquest or government of yours any chief or Lord be captured, the sixth part of all the treasures, gold and silver, pearls and precious stones received from him in the way of ransom or in any other, shall be paid to us, the rest to be divided among the conquerors, first deducting our fifths; and should said chief or Lord happen to be killed in battle, or afterwards by way of justice, or in any other manner, half of the goods and aforesaid treasures to be had from him shall punctually be set aside for us, said half to be, before every other thing, delivered into the hands of our officers, and the other half shall be divided, our fifth to be deducted first.

Moreover, all those going to settle in said lands and provinces are declared exempt for the first six years, to be counted from the date of the present, from all custom duties over all they should carry in for their use, and the provision of their houses, and not for sale.

Moreover, we grant those going to settle in said lands and provinces so discovered and settled on said river within said two hundred leagues, that during the first six years following the date of this seat and capitulations, one tenth of the gold found in the mines should be paid to us, and said first six years ended, they shall pay us the ninth, thus descending each year until a fifth be reached, but of all the gold and other things had by ransom, expeditions or in any other manner, we shall perceive the fifth. We likewise

exempt you, the said Don Pedro de Mendoza, for all the days of your life, from the said duties on all you should carry for the supply and provision of your house, provided it be not meant for sale; and should you sell part of it or have it by ransom, you shall pay the whole duty, and this franchise shall remain annulled.

Moreover, we bestow upon said neighbors and settlers the right to receive from you the lots on which they shall build houses, and the land, beasts and sufficient water, as it is done and has been done on the Island Hispaniola, and moreover we will grant you the power to make in our name during the period of your government, the apportionment of the Indians of the said lands, according to the instructions and ordinances to be given to you for this purpose.

Moreover, we will grant you the leave, as by the present we do grant it, to carry from these our dominions or the Kingdom of Portugal and islands of Cape Verde and Guinea, into the landmarks and provinces of our government, two hundred black slaves, one half males and the other half females, free of all duties to be paid to our Crown; but should you take them into other islands or provinces and sell them there, you shall lose them, and they shall remain to our Chamber and Treasury.

Moreover, that you, the said Don Pedro de Mendoza, shall be bound to take to the said land a physician, a surgeon and a pharmacist to cure the sick during the voyage, it being our will that from the profits and rents we may derive from said lands and provinces the physician shall receive, as a year's salary, fifty thousand farthings, the surgeon other fifty thousand, and the pharmacist twenty-five thousand, said salaries to run and to commence to run from the day that said men should sail in your fleet to follow voyage.

Moreover, we grant you leave and faculty to keep and retain in our arsenals in Seville all stores and victuals that you might need for your fleet and departure, all which herein said we grant, under provision that you, the said Don Pedro de Mendoza will agree and be bound to start from these Kingdoms, with the ships, masts and cordage, victuals and all other things needed for said voyage and settlement with the aforesaid five hundred men from our Kingdom and from other parts not forbidden, all of which you shall comply with, from the day of the date of these capitulations to the first ten months following.

Moreover, with the condition that on your departure from these dominions and your arrival in said land, you shall take and keep with you the priests and ecclesiastics by us to be appointed, for the instruction of the Indians of that land in our sacred Catholic faith, with whose advice, and not without it, you shall make the conquest, discovery and settlement of the said land, to which priests and ecclesiastics you shall give and pay passage and stores and whatever their maintainance may require, all at your own cost, without charging them anything during the said navigation, all which we earnestly trust you to keep and comply with, as it becomes the service of God and our service.

Moreover, with the condition that in the conquest, pacification, settling and treatment of said Indians, in their persons and goods you have bound

yourself to observe most faithfully all the provisions contained in the ordinances and instructions which we have drawn to this purpose and you shall ceive.

*(The ordinances in conformity with those of the Capitulations of Francisco Montejo follow.)*

Thereof, by the present, the above-mentioned being performed at your cost and according to the above-mentioned provisions and keeping to and complying with the contents of the dispositions above incorporated, and all other instructions that in the future we may command you to keep and to enact for said land and for the good treatment and the conversion to our sacred Catholic faith of the natives of it, I say and promise, that these capitulations shall be by us respected, and all that contained in it, in everything and by everything, as above said, and that not being performed and complied with, we shall not be bound to comply with the aforesaid in whatever part of it, rather we shall command your punishment and proceed against you as against one failing to keep or comply with and transgressing the commandment of his King and natural Lord, and to that end we command the present to be given to you, signed with my name and countersigned by my undersigning Secretary.

Dated in the city of Toledo, on the twenty-first day of the month of May of the year one thousand five hundred and thirty-four.

THE KING.—By order of His Majesty. COBOS, Commander in Chief, marked by Bertran, Juarez and Mercado.



**CAPITULATIONS**

**Made by Her Majesty with Gregorio de Pesquera, resident of  
Burgos, to raise and produce spices in that part of River  
Plate, in the demarcation of Spain, from the  
place known as La Cananea, to the River  
Santa Catalina, and one hundred  
leagues inland. Valladolid  
August 21.**

**Several other bills to the same on the same subject. (\*)**

**THE QUEEN :**

Whereas you, Gregorio de Pesquera Rosa, native of the city of Burgos, wishing to serve us, and to increase our Royal Crown of Castile, have offered and do offer yourself to raise and collect from the land situated on the River Plate, which is our demarcation, from that portion thereof known as La Cananea to the River Santa Catalina, and one hundred leagues inland, the first kind of spices in such quantities, and saleable among Christians for the same price as those imported from India into the Kingdom of Portugal; and that you will take every thing necessary for the said purpose, and that in case there should be no disposition or means in the

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(\*) This is a translation of the original document existing in the General Archive of Indies, which, in a copy duly legalized by the United States Consul at Seville, forms part of group A, No. 6, of the manuscript documents of the "Argentine Evidence."

said country to raise the said spices, you will try to do it in that part of our Indies which shall be pointed out to you, at your expense, without our being held liable at any time to pay you or reimburse your outlays, except that which shall be granted to you in these capitulations which I have caused to make with you in the following manner :

Firstly: We grant you permission and authority, to you, the said Gregorio de Pesquera Rosa, or whoever may hold your power of attorney, to produce the said spices within fifty leagues from the said coast of the River Plate and one hundred leagues inland, beginning at the place known as La Cananea towards the river Santa Catalina ; and we enjoin and forbid for the term of twenty years from the date of these capitulations any other person or persons whatsoever to produce the same kind of spices that you may collect in the said coast of the said River Plate, as well as in the other provinces and islands of our Indies, discovered and undiscovered; on condition that all the profit derived from the said spices during the said twenty years, shall be divided in this way, one part for us, and the other two third parts for you the said Gregorio de Pesquera Rosa and for your heirs and successors without any rebate for costs, and that at the expiration of the said twenty years we shall be at liberty to grant permission to produce the said spices, to whom we may please, and that you and your said heirs, after you, shall enjoy the twentieth part of the profits, and that you shall retain perpetually, and for ever, the factorage of the said spices, rendering an account thereof to our Council of Indies every two years, appointing the persons whom you may think best and necessary for the safety of our Treasury, as long as you will not use, for the production of the said spices, the lands and farms of the Indians, nor compel them to work against their will, and only for pay.

Also, that you, the said Gregorio de Pesquera, shall be obliged to start the said farm and to set it in proper order, so that it may be in a yielding condition within four years, the first and second to count from the date of these our capitulations, and that within twenty one years, likewise first and following from the date of these capitulations, the said farm shall have yielded us a profit of thirty thousand ducats every year over and above your share; and that if you should fail to accomplish any one of these two things, these capitulations, shall be null and void and without effect, and we shall not be held liable to accomplish any thing therein contained, and be at liberty to grant the government and land to whom we may choose.

And to reward and honor your person we promise to grant you the title of our Governor of the said countries within the said fifty leagues of the coast of the River Plate, beginning, as before stated, at the place known as La Cananea toward the river Santa Catalina, with one hundred leagues inland, East by West, for all the days of your life and that of one heir of yours whom you may appoint, in condition that you send his name to our Council of Indies, for approval.

Furthermore, that to reward you we hereby grant you ten square leagues on each part in the said fifty leagues of coast, or in the one hundred leagues inland, wherever you may choose to take them, with civil jurisdiction,

provided they are not within five leagues from the sea coast, nor head of department or province, nor the best nor the worst of the land, and you shall not enjoy the possession of the said ten leagues of land until we have the annual rent of thirty thousand ducats from the said farm which you promise to work.

Furthermore, we promise you that, if upon your having tried the said spices at your cost and labor upon the said land which we grant you on the said coast of River Plate, they should not be of such a quality that would justify its production, or that you could not produce it, for some just cause, in the said land, we will order that other uncultivated lands convenient for the said farm shall be granted you in another government or part of our Indies that you may indicate, and we shall likewise command that the Indians assist you, to which effect the necessary orders shall be given you, they receiving for such assistance a just and corresponding salary.

Furthermore, that we shall order that the Indians living within the said fifty leagues of the said coast which we grant you for the said farm, shall work in it honestly and without vexation, you to provide for their nourishment and needs.

Furthermore, that if during the lapse of the said twenty years you would supply this our Kingdom and dominion with the said spices that you now promise to raise, in sufficient quantity to satisfy the demand, no other spices of similar qualities shall be permitted to be introduced in our said Kingdoms and dominions, but those produced by you.

Furthermore, we command, and it is our will and desire, that if you, the said Gregorio de Pesquera Rosa, should die before the expiration of the said twenty years, your heirs and successors shall enjoy the privileges contained in this capitulation, and they shall be obliged to comply with the provision contained in the same.

Furthermore, we promise you, that if this transaction should be realized, we shall appoint one of the docks that we have in Seville, where you may make your preparations necessary for the said farm.

Furthermore, that we shall order that no duties shall be paid us on the said spices, and other things that may be sent from the said country, in all our said Kingdoms and dominions during the said term of the said twenty years, after which only duties imposed upon other things coming from the said Indies shall be paid us.

Furthermore, we prohibit and forbid you, Gregorio de Pesquera Rosa, and all other persons, during the term of your government in the said country, to make nor consent to be made in the said land, any slave or slaves by any means, directly or indirectly, for it is our will and pleasure that all the natives of the said land shall be as free as the natives of our Kingdoms, under penalty that if you, or any other person, should make any slave or slaves, or take any of them away from the said land, you shall, for that reason, forfeit the office of Governor and all other privileges granted you by virtue of these capitulations.

Furthermore, whereas according to the laws of our Kingdoms whenever



our soldiers and Captains of our navies capture some Prince or potentate of the countries where they make war by our command, the ransom of the said prince or cacique belongs to us, with all the moveables of their belonging, considering the great work and dangers to which our subjects are exposed in the conquest of the Indies, as a sort of reparation for them, and to reward the said subjects, we declare and order, that if any cacique, or prince, should be captured during your said conquest or government, of all the treasury in gold, silver, stones and pearls that would be received from him by way of ransom, or in any other manner one sixth part shall be given us, and the remainder shall be divided among the conquerors, after withdrawing our fifth; and in case that the said cacique or prince should be killed in battle, or after by way of justice, or in any other manner, in such a case one half of the treasuries above-named, justly received from him, shall be applied to us for the payment of all our officers, and the other half, after withdrawing our fifth, shall be divided.

And, whereas, we have been informed of the evils and abuses that have been committed and are being committed in the discovery and new settlements, in order that we may, with clear conscience, grant permission to remedy it with the approbation of our Council, a general order has been decided upon and issued with due provision regarding your duty in that respect, in the said settlement and discoveries, which is annexed herewith in the following tenor:

*( Follows the provision agreed upon with regard to discoveries and new conquests.)*

Finally, upon fulfillment at your expense and labor, and in the manner afore-said, and complying with the mandates of the said provision herein annexed, and all other instructions that we shall hereafter communicate to you for the said country, and for the good treatment and conversion of the natives of the same to our Holy Catholic faith, I do promise and say, that these capitulations shall be fulfilled and every thing therein contained. And if you should fail to do so, we shall not be obliged to keep and fulfill the above said, nor any part thereof, but shall sooner have you punished and take proceedings against you as a person who does not keep, nor fulfill, but ignores the mandates of his King and natural master. In testimony whereof, we signed these presents, legalized by the undersigned Notary, dated in the city of Valladolid, on the twenty first day of August, fifteen hundred and thirty six years. — I, THE QUEEN. — Legalized by SAMANO. — Marked by CARDINAL and BERTRAN, and BERNAL y VELAZQUEZ.

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DON CARLOS, by Divine clemency, etc.

Whereas, you, Gregorio de Pesquera Rosa, resident of the city of Burgos, wishing to serve us, and to increase our Royal Crown of Castile, have offered to raise and farm and collect from the land situated on the River Plate, which is our demarcation, from the place known as La Cananea to the River Santa Catalina, and one hundred leagues inland, the first kind of spices and

in such quantity as is sold among christians for the same price as those imported from India into the Kingdom of Portugal; and that you will take for the said farm all the necessary things, and that all will be done at your expense and risk, without our being, at any time, held liable to pay and reimburse you for your outlays beyond that which is stipulated in the treaty and capitulations which we have ordered to be made with you upon the subject, and in which there is a chapter of the following tenor: firstly, we grant you, the said Gregorio de Pesquera Rosa, permission and authority, and whomsoever shall hold your power of Attorney, to raise and collect the said spices within fifty leagues of the said coast of River Plate, and one hundred leagues inland from the place known as La Cananea, toward the River Santa Catalina, and we enjoin and forbid any person or persons, for a term of twenty years, first and following, to count from the date of these capitulations, to raise and collect the same kind of spices that you shall produce on the said coast of the River Plate, as well as in other provinces and islands of our Indies, discovered and undiscovered, on condition that all the profit which may be derived from the said spices during the said twenty years, shall be divided in this manner: one third part for us, and the other two third parts for you, the said Gregorio de Pesquera Rosa, and for your heirs, without any rebate whatsoever, and that at the expiration of the said twenty years we shall be at liberty to give permission to whom we may be pleased, to make the said farm, and that out of the profit that we may derive from it, you, and your heirs after you, shall enjoy the twentieth part, and retain the factorage of the said spices perpetually and forever, rendering an account of it to our Council of Indies every two years, appointing the other persons whom it may be judged to be necessary for the safety of our Treasury, on condition that for farming and raising the said spices you shall not take the lands and farms belonging to the Indians, nor to compel them to work without their own will, and paying them for their work: We, therefore, in compliance with the said capitulations and the chapter annexed thereto, do hereby grant permission and authority to you, the said Gregorio de Pesquera Rosa, or whoever shall hold your power of Attorney, to raise and produce the said spices in the said fifty leagues of the said coast of River Plate, and one hundred leagues inland, beginning, as before stated, at the place known as La Cananea towards the River Santa Catalina; and we prohibit and forbid any person or persons to raise and produce hereafter, and for the term of twenty years, first and following, to count from the twenty first day of the month of August of this present year, fifteen hundred and thirty six, which is the date of the said capitulations, the same kind of spices that you may raise and produce on the said River Plate, as well as in the other provinces and islands of the said our Indies, discovered or undiscovered, and we command our officers of the said lands on which you are to raise the spices, or the person charged with the collection of our rents and profits on the same, to distribute all the profits realized on the said spices during the said twenty years in the following manner: one third part for us, and the other two thirds for you, the said Gregorio de Pesquera Rosa, or for your heirs and

successors after you, without any rebate whatsoever, reserving our right, and that of other Kings coming after us, to give, upon the expiration of the said twenty years, permission and authority to whom we may be pleased, to do the said farming, on condition that out of all the profits resulting therefrom, you, the said Gregorio de Pesquera Rosa, and your heirs and successors after you, shall enjoy one twentieth part, and hold the factorage of the said spices perpetually and forever, rendering an account of it to our Council of Indies every two years, appointing the other persons whom you may judge to be necessary for the safety of our Treasury. We also forbid you, the said Gregorio de Pesquera Rosa, and your said heirs and successors, to use, for the said farming, the lands or farms belonging to the Indians of the said countries and to compel them to work without their own will, or without pay, under penalty of our disgrace and fine of ten thousand ducats to be applied to our Treasury, if you should do the contrary.—Valladolid, September ninth, and fifteen hundred and thirty six years from the birth of our Saviour Jesus Christ.—I, THE QUEEN.—Legalized by SAMANO and marked by Doctor BELTRAN.—Licentiate GUTIERREZ VELAZQUEZ.

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DON CARLOS, etc.

Whereas, you, Gregorio de Pesquera Rosa, native of the city of Burgos, wishing to serve us and to increase our Royal Crown, have offered to raise and collect from the land situated on the River Plate, which is our demarcation, from the place known as La Cananea to the River Santa Catalina, and one hundred leagues inland, the first kind of spices, and in such quantities saleable among christians for the same price as those coming from India to the Kingdom of Portugal; and that you will take every thing necessary for the same purpose, at your expense and risk, without our being, at any time, held liable to pay and reimburse you for your outlays beyond that which is stipulated in the treaty and capitulations which we have ordered to be made with you upon the subject, and in which there is a chapter of the following tenor: "That in order to reward and honor your person, we promise to grant you the title of our Governor of the said countries within the said fifty leagues on the coast of the River Plate, beginning, as before stated, at the place known as La Cananea, towards the River Santa Catalina, with one hundred leagues inland, east by west, for all the days of your life and that of one heir of yours appointed by you, whose name you shall send to our Council of Indies, for approval: Therefore, in compliance with the said capitulations and the chapter thereto annexed, it is our will and pleasure that you shall, for all the days of your life, be our Governor of the said countries within the said fifty leagues on the coast of the River Plate, beginning, as before stated, at the place known as La Cananea towards the River Santa Catalina, with one hundred leagues inland, east by west; and after you, one heir of yours whom you may appoint, provided you send his name to our Council of Indies for our approbation: with power to administer our justice, civil and criminal, in cities, towns, and places which are now in existence in the said countries, or

may hereafter be created ; with the offices of justice which there may exist. And we, hereby, command the councils, justices, aldermen, squires, officers and good citizens of all the cities, towns and places in the said countries, now settled, and those to be settled and our officers and other persons there residing, and every one of them who may see this warrant, to take from you, the said Gregorio de Pesquera, and after you your heir, approved by us, as before stated, and from your lieutenants whom you may appoint and remove, at your will, without delay, consultation nor expectation from us of any other warrant or mandate, the oath required in such cases, so that they shall, upon the performance of the said formality, take and accept you for all the said days of your life, and thereafter, for those of your heirs, as their Governor and Justice of the said countries, and let you enjoy freely and exercise the office of our Governor and Justice, and fulfill and administer our justice by you and your said lieutenants in the said office of Justice, Constable and other offices connected with the said government, as you may think convenient to our service and the administration of our justice, and remove officers and appoint others ; to hear and decide law suits, and civil and criminal cases that may come up between the people of the said land, either natives or settlers ; and that you, your said judges, lieutenants and the said your heir after you, may have the fees belonging to the said offices, and exercise the power of examination and every thing appertaining to the said offices, and you and your judges may think convenient to our service and the administration of our justice, and the population and government of the said countries ; and for the use and exercise of the said office, and the administration of our justice, every one of them shall agree and be satisfied with you and your people, and render you all the aid you may need and ask for, and that they shall revere and obey your mandates or those of your lieutenants, without any opposition, partially or wholly. We hereby declare you invested with the authority of the said office, with power and privilege to use, exercise and fulfill the same in the administration of our justice in the said countries, said authority to be extended to your lieutenants, as before stated.

Furthermore, it is our will that if you, the said Gregorio de Pesquera, will deem to be for our best, and the administration of our justice, that if some persons who are now, or may be in the said countries, should be required to leave the same, to appear in our presence, you shall so order in our name, and cause them to leave, in conformity with the rules about this subject, explaining to the person thus banished, the reason why, and if it must be secret, according to your judgement, to give it sealed, and send us a copy thereof for our information ; but we warn you against banishing any body without a just cause ; to which end, and to use and administer our said justice in the said countries, for all your days, we hereby grant you full power with all its incidents, annexes and connections ; and we command you that all the fines, belonging to our treasury, that you and your lieutenants may impose, shall be collected by inventory before Notary Public, and that an account be kept of the same, and at our disposal, none being authorized to appropriate the same, under penalty of our disgrace and a fine of ten

thousand farthings for our treasury, for those who would disregard this order.—Valladolid, ninth day of the month of September, fifteen hundred and thirty six years. —I, THE QUEEN. —Legalized by SAMANO and signed by Doctor BELTRAN and Licentiate VELAZQUEZ.

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THE QUEEN.—Bachelor (there is an open space in the original) residing at La Cananea, which island on the River Plate, take notice that I have had a Treaty and Capitulations made with Gregorio de Pesquera Rosa, regarding the raising of and producing certain spices in that country, and I have provided him with the government of the same, and he is going to exercise the said office and attend to the said farming, as you will know from him ; and having been informed that you have been an old resident of that land, and that you have your wife and children in the same, I request you as a person well acquainted with the country and its properties, to assist the said Gregorio Pesquera with your good counsel, which you may think convenient to promote the said farming, and in any thing that you may possibly do, as a person who is at our service, with the assurances that your services shall be remembered and appreciated whenever there shall be an occasion to reward you and your children.—Valladolid, this ninth day of September, fifteen hundred and thirty six years.—I, THE QUEEN.—Legalized by SAMANO.—Marked by BELTRAN and VELAZQUEZ.

## COMMISSION

**by Don Pedro de Mendoza appointing Juan de Ayolas and  
Francisco Ruiz Galan Lieutenant Governors of the Port  
of Nuestra Señora Santa María de Buenos Ayres (\*)**

Be it known to all who this letter should see, that I, Don Pedro de Mendoza, Adelantado, Governor and Captain-General of this Province of the River Plate, with two hundred leagues of the South sea coast by His Majesty, say that: Whereas, God, our Lord, willing, I have determined to go to the Kingdoms of Spain on affairs concerning His Majesty's service, and the welfare, settlement and pacification of this land; and in my place, in His Majesty's name, I leave in this province as my Lieutenant-Governor and Captain-General, Juan de Ayolas, by virtue of the Royal Charter that I therefor have from His Majesty, the tenor of which is as follows: (Here follows the copy of the charter granted by Carlos V to Don Pedro de Mendoza, dated at Valladolid the nineteenth of July, one thousand five hundred and thirty-four.) And in order to know what is there in this land, I have sent said Juan de Ayolas, my Lieutenant-Governor and Captain-General, that he may be acquainted of it, with brigs and seamen all well furnished, and I leave at this land you, the Captain Francisco Ruiz Galan, so that, on said Juan de Ayolas bringing or sending the news of the gold or silver and other things that he may bring, you shall go after me, that I may give advice of it to His Majesty, to which effect I leave you a ship fully stored and provisioned. And whereas, it is meanwhile necessary that a Lieutenant-Governor and Captain-General shall remain in this land, in my place and in His Majesty's name, with the ships and men left therein, to take care of the administration and government of the whole of it until said Juan de Ayolas, my Lieutenant-Governor and Captain-General, may return as aforesaid, and otherwise provide and

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(\*) This is a translation of the original document existing in the General Archive of Indies, which, in a copy duly legalized by the United States Consul at Seville, forms part of group A, No. 7, of the manuscript documents of the "Argentine Evidence."

command in regard to said Government, ships or men of this port, or to all other things within the Government of this province, therefore by the present, in virtue of said His Majesty's charter above-inclosed, I declare and acknowledge through this present letter, that in my place and in His Majesty's name, I do appoint, assign and institute, and place at this port of Nuestra Señora Santa Maria de Buenos Ayres, you, the Captain Francisco Ruiz Galan, to command over all men and ships therein remaining as well as all the men now in the camp that I leave founded and settled at the port of Nuestra Señora de Buena Esperanza, Corpus Christi, whose Captains now are the Treasurer, Gonzalo Albarado, and Carlos Dubrin, with all else therein being, which I had and must have under my Administration and Government, and I give and grant you as full and complete faculty as His Majesty, through His said Royal Charter, gives and grants me, so that as such my Lieutenant-Governor and Captain-General, you may in all those cases and things, both of civil and criminal justice, as in all else regarding the Administration and Government of this said port and ships, and of the camp of Buena Esperanza or Corpus Christi, and men now living there, enact and perform all that I would and could perform and enact, keeping in everything His Majesty's service during all the time that you are to be here, until said Juan de Ayolas, my Lieutenant-Governor and Captain-General, may return, as above-said, or provide otherwise to it, that you may follow me as by this letter is disposed; and I command to all and whatever Captains, and to any other persons, to have and acknowledge you as such my Lieutenant-Governor and Captain-General, and to fulfill and obey your commands as my own, upon the penalties that you would impose them, and which you are herein empowered to execute on their persons and property every time that they would incur in them; and should said Juan de Ayolas not come with said news, but send another person, I grant you power that you may, in your name and that of His Majesty, to place and leave at these said ports such a person as you may choose, which shall remain at these said ports as my Lieutenant-Governor, to take charge of said Administration and Government, and to those things and cases that I would and could do for the common welfare, said Governor to have as full power as I have from His Majesty until said Juan de Ayolas may provide otherwise; in faith whereof I give you the present power and faculty, signed with my name, at this port of Nuestra Señora Santa Maria de Buenos Ayres, in the Province of the River Plate, the twentieth day of the month of April, one thousand five hundred and thirty-seven, of the Nativity of our Saviour Jesus Christ: the witnesses to the aforesaid being Juan de Ortega, Juan de Benavides and Miguel Sebastian, servants of the Lord Governor, who signed with his name in the register of this letter—*Don Pedro de Mendoza*. And I, *Pero Fernandez*, Notary of His Majesty, who, to the granting of this letter, jointly with the said witnesses, testify that I know said Adelantado *Don Pedro de Mendoza*, who before me signed in my register with his name and signet all which I caused to be written, and did write; in faith whereof, I set here this, my signet. In testimony of truth. (Here is a sign)  
—*Pero Fernandez*.

1540

**CAPITULATIONS**

**Made with Alvar Nuñez Cabeza de Vaca. (\*)**

THE KING.—Whereas, we caused certain covenant and capitulations to be taken with the late Don Pedro de Mendoza in regard to the conquest and settlement of the province of the River Plate by which we granted him the government of said province from the River Plate to the South Sea with two hundred leagues more along the coast on said South Sea, to begin from the place where the government which we had entrusted to Marshal Don Diego de Almagro should end, towards Magellan's Strait, said Don Pedro de Mendoza having gone to said province and being at it, sent Juan de Ayolas inland, as his Captain General, with certain men, and, having after sending him, determined to come to these Kingdoms and, when coming, having died at sea, and at the time of his demise, in virtue of the faculty that by said capitulations and other provisions of ours he had, appointed for said government said Juan Ayolas, whom he instituted as his heir; and we, in view of said appointment, caused the title of said government to be given said Juan Ayolas, and as we are now told that said Juan Ayolas, after said Don Pedro having sent him with said men inland has not appeared nor it is known whether he is alive or dead, and in our Council of Indies it has been intended many times to endeavour to ascertain whether said Juan de Ayolas be dead, and were he and the Spaniards our subjects now in said provinces, alive, and in want, as we are informed, of provisions and clothing and arms and ammunition and other things necessary to prosecute said conquest and discovery, that they be succored: and you, Alvar Nuñez Cabeza de Vaca,

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(\*) This is a translation of the original document existing in the General Archive of Indies, which, in a copy duly legalized by the United States Consul at Seville, forms part of group A, No. 8 of the manuscript documents of the "Argentine Evidence."



desirous of serving God Our Lord and us, and of increasing our Royal Crown, and in order that the Spaniards now in said province may not perish, have offered and do offer yourself to expend eight thousand ducats in carrying horses, provisions, clothing, arms, ammunition and other supplies for said Spaniards and for the conquest and settlement of said province in the things and in the form and manner that we shall, therefore, give you, besides and apart from what the hulk of the ships necessary to transport said horses and things would cost, you to have said government and conquest, so that you, should said Juan de Ayolas be dead at the date of your arrival in said land, may take in charge said government and conquest as said Don Pedro de Mendoza and he could do it. Wherefore, we cause the following covenant and capitulations to be taken with you.

First.—We are pleased that should said Juan de Ayolas be not alive at the time of your arrival in said province, you, in our name and that of the Royal Crown of Castile, may discover, conquer and settle the lands and provinces whose government had been given to said Don Pedro de Mendoza through his said capitulations and charter, with said two hundred leagues of coast on said South Sea, in the order, form and manner that with him were capitulated, and in which he could and should do it: and of all this we will command the necessary provisions to be given to you.

Moreover, We shall give you the title of our Governor and Captain General of said lands and provinces thus given in government to the said Don Pedro de Mendoza, and of said two hundred leagues of coast on said South Sea and of the Island of Santa Catalina, for all the days of your life, with a yearly stipend of two thousand ducats, to be enjoyed by you, from the day of your leaving the port of San Lucar de Barrameda henceforth, said two hundred ducats to be taken from the rents and profits appertaining to us on account of said land, which we would receive during the time of your government, and not otherwise, all this to be understood in case that said Juan de Ayolas be not alive, as above-mentioned, when you should arrive in said land.

Moreover, We shall favour you with the charge of High Constable of the land by you discovered and conquered, whereas you by said capitulations, have the mercy of said charge, over all which in life of Don Pedro and of the said Juan de Ayolas would be discovered and settled, for all the days of your life, and that of one heir of yours.

Moreover, We shall grant you leave and power so that, with the opinion and consent of our officers in said province, you may build in it two fortresses, in the part and places more convenient, should you and said our officers deem them necessary for the security and guard of the said province, and we shall favour you with the Lieutenancy of them for all the days of your life, with a yearly stipend of one hundred thousand farthings to be paid from the rents and profits we are to have of said province, which stipend you are to enjoy from the time that said fortresses should be finished and closed and fit to be inhabited and defended according to the opinion of said our officers, said fortresses to be built by you at your expense, without our being, nor the

Kings that after us may come, obliged to pay you the expenses which in its building you might incur, nor anything further than said stipend.

Moreover, We exempt you for twelve years of the customs duties upon all that you may import or cause to be imported into said province for the supply and provision of your person and house, besides those contained in the general exemptions with which said province is favored.

Moreover, whereas you have entreated us to make forever mercy to you and your heirs and successors, of the twelfth part of what you would conquer and settle at said government and the two hundred leagues of coast on said South Sea that at the time of your arrival in said province should not yet be conquered, we by the present declare that, notice being once received of what you would thus discover and conquer of what had not before been discovered or conquered at the time of your arrival in said province, and the knowledge of it duly come to us, we intend to bestow upon you the proper mercy and remuneration, and it is our mercy that, whilst after due information we provide that which to our service and the reward and satisfaction of your services and works is fitting, you shall have the twelfth part of all the profits and rents we shall derive each year from said lands and provinces by you thus conquered and settled.

Moreover, We promise to appoint you Governor of what you would thus discover, conquer and settle within the boundaries set to the government already given to said Don Pedro de Mendoza and with the two hundred leagues of coast on the South Sea, and the stipend of justice, to be paid to you from the rents to come to us of the lands by you discovered, said stipend to be estimated according to that which you would then enjoy.

Moreover, I shall favour you, as by the present do favour, with the title of our Adelantado of the lands that you would thus discover, conquer and settle,

And, as above said, it is doubted whether said Juan de Ayolas be alive or dead, our mind and will being not to deprive him of his rights, but that he being alive he may have said government and enjoy whatever else be contained in said capitulations of said Don Pedro de Mendoza as his heir by him appointed, we declare that, were said Juan de Ayolas alive at the time of your arrival in said province, you and the men to go with you shall be obliged to submit to said Juan de Ayolas and his lieutenant, to whom we shall cause the recommendation to be written that he, in consideration of the help by you given and of your personal worth, shall appoint you his Lieutenant Governor and Captain General for the time he may wish, while you do your full duty.

Moreover, should said Juan de Ayolas, as above said, be alive at the time of your arrival in said province, we promise to make you the mercy of said Island of Santa Catalina for a term of twelve years, so that you may enjoy its property and be benefited by it, but you shall not take any Indians out of said island and government, though they be for the Governor of said province of River Plate.

And as it could happen that at the time of your arrival with said help

to said province it be not known whether said Juan de Ayolas be dead or alive, it is our mind and will that in case of doubt you may have the government of said province as his lieutenant appointed by us, to use and exercise it in his name notwithstanding any substitutes he may have chosen, until news is received of said Juan de Ayolas and as a certificate of your arrival he may appoint as his lieutenant you or the person he would choose.

Moreover, should said Juan de Ayolas be alive at your arrival in said province you are not to have its government nor enjoy the other mercies by these capitulations to you granted: we, in view of the expenses by you incurred for said help, declare our mercy and will to be that for a term of six years you shall have the exclusive privilege of supplying said province and its conquerors and residents with provisions and other necessary things, any other person being forbidden to do it, save you or he whom you might empower, provided that you remain bound to make four voyages during said six years, in which voyages you are to carry the provisions and supplies by our Governor<sup>o</sup> in said province ordered, all which shall be free from custom duties for said term of six years.

Moreover, We grant to the residents and settlers of said province that, should said Juan de Ayolas be dead and said government devolve upon you, ground plots be given them by you, on which they may build houses, as well as land and horses and waters suitable to their persons, according to what has been done and is done at the Island Hispaniola: we shall likewise give you power that in our name, during the time of your government, you may grant the allotment of the Indians of said land, the regulation and instructions which shall be given you, to be kept in whatever regards them.

All what has been said, and every thing and part of it, we grant you, provided that you said Alvar Nuñez Cabeza de Vaca remain obliged to depart from these Kingdoms, with the ships and provisions and other things that you must carry within the first six following months.

Moreover, whereas, according to the rights and laws of our Kingdoms, when our men and Captains of our fleet capture some Prince or Lord of the lands where by our command they make war, the ransom of such Lord or Cacique belongs to us with all moveable property of his to be found; but considering the great dangers and hardships by our subjects incurred in the conquest of the Indies, and as a reward of these and to favor them, we declare and command, that should in said conquest and Government of yours any Cacique or Chief Lord be captured, the sixth part of all the treasures, gold and silver, pearls and precious stones received from him as ransom, or in any other manner shall be paid to us, the rest to be divided among the conquerors, first deducting our fifth; and should said Cacique or Chief Lord happen to be killed in battle or afterwards by way of justice, or in any other manner, half of the goods and aforesaid treasures to be had from him shall punctually be set aside for us, said half to be, before every other thing, delivered into the hands of our officers, our fifth being first set apart.

Moreover, as it could happen that our officers in said province would have some doubt about the collection of our dues, especially of the gold and

silver and precious stones and pearls, both from the findings at the graves and other hiding places, or from whatever be, as ransom or booty, or in any other manner, our mind and will is that for the time that we be pleased, the following command shall be obeyed :

First, we command that all the gold, silver, precious stones, pearls and other things to be found or had, both in the burial grounds or temples of Indians, or in the other places where they used to offer sacrifices to their idols, and in any other religious places or lands, or in any other public, common or private property of any State or dignity whatever, the half, without discount of any sort, shall be paid to us from the total amount of it, and whatever of its kind found, either by chance or purpose, the other half to be left to the discoverer; it being provided that, should any person or persons conceal the gold and silver, precious stones and pearls to be found and had both in said burial grounds, graves, urns or temples of Indians, or hidden or buried in any other religious places above-mentioned, and fail to exhibit them in order to receive the part which according to this article is due them, they shall lose all the gold and silver, precious stones and pearls, and moreover, the half of all other property of theirs to our Chamber and Treasure.

And we, being informed that such evils and disorders have been and are enacted in the discovered lands and the new settlements, that would hinder our good conscience from granting leave for them, a general provision has been ordered and dispatched on, with the advice of our Council and our assent, to be kept by you in said settlement and conquest, which provision we order to be herein embodied, its tenor being the following :

(*"The ordinances on the Government of Indians, according to those of the Capitulations of Francisco Montejo, follow."*)

Therefore, by the present, the aforesaid being performed and complied with by you, said Alvar Nuñez Cabeza de Vaca, according to and in the manner above declared, and keeping and fulfilling what is contained in said charter above incorporated, and all the instructions that henceforward we shall order to be given for said land and for the good treatment and conversion to our Holy Catholic Faith of the natives of it, we say and promise that these capitulations and everything in them contained shall be wholly kept by you as it is above contained; and should this not be done and complied with, we shall not be bound to comply with the aforesaid in whatever part of it, rather we shall command your punishment and proceed against you as against one failing to keep and comply with and transgressing the commandments of his King and natural Lord; and to that end we command the present to be given to you.

Done at the Village of Madrid, the eighteenth of March, fifteen hundred and forty. *Fr. G.º Cardenalís hispalénsi.*

Countersigned by the Secretary Samano, and signed by Doctor Beltran and the Bishop of Lugo, and Doctor Bernal and the Notary Gutierrez y Velasquez.



**Capitulations made with Juan de Sanabria. (\*)**

THE PRINCE: Whereas you, Juan de Sanabria, resident of this city of Medellin gave us information, which we knew already, about a treaty made with Alvar Nuñez Cabeza de Vaca in reference to the help promised to the people of the province of the River Plate left by Don Pedro de Mendoza, late Governor of the same; and whereas, by virtue of the said treaty we had provided him with the Government of the said province, and it has now come to our knowledge that through differences between said Alvar Nuñez Cabeza de Vaca and the people of said province, said Alvar Nuñez was brought here in custody, and that he shall not go back to the province as it would not be convenient, the head of the Government of the said province remain vacant, and that you, with a desire to serve God and the engrandizement of our Royal Crown, and in order that the Spaniards residing in said province shall not suffer, propose to go there to assist and help the said Spaniards with the things that you shall take from these Kingdoms, by our command, and some married men with their wives, and other people for the settlement of the said province, all at your expense, without obligation on our part, nor on the part of the Kings, our successors, to pay you the expenses that you may make in excess of that which is granted you in these capitulations; and whereas you entreated me for the appointment of Captain General and Governor of the said province, and other privileges, I caused a treaty to be made with you upon the following capitulations:

First, that you shall be obliged, and that you shall bind yourself, to take from these Kingdoms of Castile to the said province of River Plate, one

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(\*) This is a translation from the original document existing in the General Archive of the Indies which, in a copy duly authenticated before the Consulate of the United States of America at Seville, forms part of group A No. 9 of manuscript documents of the "Argentine Evidence."

hundred married men with their wives and children, to settle said province, and you shall take with them your own wife and children.

You shall also oblige yourself to take two hundred and fifty unmarried men for the discovery and settlement of said province, and should you be willing to take one hundred and fifty more, you can do so.

Also, that you shall establish in the same province two towns, one in the port of San Francisco, which is near the island called Santa Catalina, and the other at the entrance of the River Plate, on the places that you may deem more convenient, taking advice from such persons as may be in a position to give it to you.

Also, that you shall take to the said province wheat, barley and rye, and all other seeds that you may deem necessary for the cultivation of the lands.

Furthermore, that you shall not take for the passage or luggage any thing from any of the people going with you, for this must be provided at your expense, except eight ducats for every person, and only six ducats for children under fourteen years of age any one of them being allowed to carry the usual box.

Furthermore, that you shall have to take eight monks of the order of San Francisco who may be appointed by our Council of Indies, to be employed in the education and conversion of the natives of said country, said monks to be taken and supported at your cost.

Also, that you shall be obliged to furnish the vessels for the people that you shall take to said province, said vessels to be not less than four or five, of which one to be new, of one hundred tons, two brigs and one caravel; and inasmuch as the said brigs might be an inconvenience, we refer the matter to the officers of Seville, so that upon consulting with Sebastian Cabot and other persons they may decide whether it is convenient to take them rigged or loose.

Furthermore, you are to take four loose brigs with all their appurtenances, to be disposed of as convenient in the said province, also that you shall have to take iron, and other necessary valuables to deal with the natives of that country, for according to the laws dictated by us for the good government and good treatment of the natives, you are forbidden to take from the Indians any victuals nor any other thing unless for its price.

Also that you are obliged to take some arms for the people of the said province.

Also that you shall be obliged to take two thousand yards of cloth, one thousand shirts, two thousand pairs of shoes, five hundred red caps to be distributed among the conquerors and settlers of said province, and to keep a record of the cost prices, so that the persons among whom the said goods shall be distributed, shall pay you the amount or value thereof, according to the cost, with one increase of three times the amount and the terms of paying, the promissory obligation of payment to be made conjointly and in series of ten.

Furthermore, you shall bind yourself to take one thousand quintals of

iron and one hundred quintals of steel to help said people, so that they can make the necessary tools for their undertakings.

You shall also be obliged to take three forges for the use of said people, some mechanics. and plenty of provisions for the people that you are about to take to said province not only during the voyage but for eight months after their arrival, so that they may saw and have sufficient food for some time after, and that you shall also take oars and nails and all the rope necessary for your vessels.

Furthermore, you are obliged to take six complete sacred vestments to celebrate mass in the churches now existing in the said province, and for those which may hereafter be built.

And upon performing and accomplishing the things before-mentioned and every one of them contained in the foregoing chapters, and obeying said new laws and ordinances dictated by us, we promise you, Juan de Sanabria, to make and grant you the following privileges:

First, I give permission and authority to you, the said Juan de Sanabria, so that by his Majesty and in his name, and in the name of the Royal Crown of Castile and Leon, shall discover and settle, by virtue of your contract, two hundred leagues upon the coast, from the mouth of the River Plate and that of Brazil, beginning in latitude thirty-one degrees South and from there towards the equinoctial line, that you may settle an extension of land from the mouth of the entrance of said river on the right hand side to the said thirty-one degrees latitude, upon which you shall have to build a town having access through said river, for you and all those with whom His Majesty made contracts for the discovery of all that remains undiscovered on the thirty-one degrees as well as everything lying on the left hand side to the point which is contracted with the Bishop of Plasencia, which two hundred leagues to extend in width to the South sea; and which discovery and town you may make as long as you find no opposition from any other Governors who had already discovered or done something upon the same land at the time of your arrival, for in that case you are not to do anything that may injure that which you may find in the same land, even if you find it within the boundaries of your jurisdiction, in order to avoid inconveniences which may arise, as it has already occurred, unless he be some of the settlers of said Province of the River Plate, for to such we command that they shall consider you as our Governor of said Province, in conformity with the authority given you, and they shall leave to you the jurisdiction of all they may have discovered or settled, and consider you as our Governor in spite of their having settled it, and you will inform us in case that you should find some Governor or Captain that is not a settler of the said Province.

Furthermore, believing it to be convenient to the service of God, our Lord, and to honor your person, we promise to give you the title of Governor General of said two hundred leagues on the coast of said Province of the River Plate from the mouth of said River Plate, and Brazil from thirty-one degrees latitude South, and thence to the equinoctial line as above stated, and from the remaining piece of land from the mouth of the entrance of said river



on the right hand side, to said thirty-one degrees latitude, for all the days of your natural life, and of one heir of yours, which shall be your son, and of other descendant capable and sufficient, and in defect of a descendant, another person that you may appoint and indicate, which shall be capable and sufficient, as before stated, with a salary of three thousand ducats every year, and a pension of fifteen hundred to you, the said Juan de Sanabria; also every year, during the term of your administration, to be counted from the day on which you shall set sail from the port of Sanlucar de Barrameda, and which three thousand ducats shall be paid you and your heir as well as the fifteen hundred ducats, from the rents belonging to us of the said country during the term of your administration, and in no other way; for in case that such rents should not exist we shall not be liable to pay you anything.

Furthermore, I shall grant you the title of Adelantado of said two hundred leagues under your Government, for you and for one heir, your successor, whom you may appoint, and shall grant you the office of High Constable of the lands under the said Government, and to one of your heirs appointed by you.

Furthermore, we give you permission to build on the same, upon consultation and consent of the officers of His Majesty, two fortresses on the sites and places which you and said officers may deem necessary for the defense and pacification of the said lands, and will grant you the possession of the same, perpetually for you and your successor, with a salary of one hundred and fifty thousand farthings for every one of said fortresses, said salary to commence whenever you shall complete them, fenced and seen by the officers, which fortresses you shall build at your own expense, without His Majesty nor the Kings coming after him being obliged to pay you for what you may spend in said fortresses.

Furthermore, whereas you have asked us to grant you some portion of the lands and of the Spanish vassals on the said province of River Plate, with the title which we may think proper, we shall abstain for the present to do it, not having full information of the matter; but I say and promise that upon being informed of what you may discover and settle, we shall reward you according to your services and your outlays, with titles and lands, perpetually for you and for your heirs and successors, and it is our wish that, while we are informed of the facts, some provision shall be made for your services and labors, and it is convenient that you enjoy the twelfth part of all the profits and revenues that we may have every year from said two hundred leagues, less the expenses, after having made you said gratuity. We also give you permission and authority to take from these Kingdoms and territories, and from the Kingdom of Portugal, or from the Cape Verde Islands or Guinea, either you personally, or whoever holds your power of attorney, to said Province of River Plate, fifty negro slaves free of all duties.

Furthermore, we give you permission, and to all the people which shall presently go with you to said province, or who may be there, or may go hereafter to settle the country, to import free of duty for a term of ten years from the day upon which the capitulations shall have been signed, everything appertaining to the support of their houses.

Furthermore, we grant to said Province of River Plate and its inhabitants and residents, for a term of ten years from the date on which the capitulations have been signed, the privilege of not paying from the gold, silver and pearls found in said province, over one-eighth part.

Also, that you, the said Juan de Sanabria, shall be obliged to take to said province a lawyer as Lieutenant, and it is our wish that out of the revenue and profits that we may have in said province, a salary shall be given him of two hundred thousand farthings from our own treasure and one hundred thousand out of yours, making in all three hundred thousand farthings, said salary to begin on the date of sailing with your fleet, said lawyer to be proposed by you to our Council of Indies, so that he may be approved if he should have the necessary qualifications.

Furthermore, you shall be provided with our Letter, so that the Warden of the dock yard of Seville shall allow you to keep your effects and victuals for your expedition.

Furthermore, we shall give you, and we do give you, hereby, permission and authority to entail in your name and that of your heirs and successors, everything which by virtue of the capitulations shall come to you forever, and to make an entailed estate of it, and that should you die after your departure from Sanlúcar de Barameda, though having appointed your heir, your wife shall enjoy, for life, half of your estate, and that your heir shall not dispose of more than said half as long as your wife lives, and that at her death your heir shall have the whole of the estate forever.

We also give you permission and authority to revise and modify the taxes upon the towns according to the laws upon the assessments made by us, as you progress in the task of pacifying and settling the country; and to divide the contributions of the Indians among the Spaniards residing in the said province, and those who may go there to settle the land, all according to the law governing the system of taxation and the appointment of the said contributions and the head towns; and it is our wish and command that the contributions thus divided among said Spaniards shall not be collected by agents, but that the Governor shall receive them from your hand, or any other person appointed by us, in compliance with the laws.

We also give you permission and authority to give and distribute tracts of land in the said Government among the residing Spaniards, so that they may cultivate and rear and settle, and to take your part without prejudice to the natives of any other land.

We also give you permission to buy the necessary bread for your fleet, according to the laws of these Kingdoms.

All of which we grant you, the said Juan de Sanabria, provided you shall be held obliged to leave these Kingdoms with your said fleet with the shortest possible delay, not exceeding ten months from this date.

Now therefore, and upon your doing as before stated, and in the manner aforesaid, and keeping and fulfilling the requirements of said new laws and ordinances and all the other things therein contained, and all the other instructions that we may hereafter give and make for said land and for the good

treatment and conversion to our Sacred Catholic Faith of the natives of said land, I do say and promise that the capitulations, and everything therein contained, shall be fulfilled as stipulated; and in case that you should fail to fulfill them as stated, His Majesty shall not be obliged to comply with these stipulations, nor anything contained therewith, but shall punish you and proceed against you as against a person who does not keep his obligations and disobeys the commands of his King and natural Master. In testimony whereof, I order these presents to be given, signed by my own hand, and legalized by Francisco de Ledesma, His Majesty's Secretary.

Dated at the City of Madrid, on the twenty-second day of the month of July, fifteen hundred and forty-seven years.—I, the PRINCE. By order of His Highness, *Francisco de Ledesma*.—Marked by the Marquis and Licentiate Gutierrez Velazquez, and by the Licentiate Salmeron, and by Doctor Hernan Perez.

**Capitulations made with the Adelantado Juan Ortiz de Zárate. (\*)**

**THE KING :**

Whereas, acknowledging the many and faithful services which you, Captain Juan Ortiz de Zárate, have rendered in the conquest, discovery and settlement of the Kingdom of Peru, and your desire to continue to render them and to increase our Royal Crown of Castile, and to reward you, I have had capitulations made with you regarding the conquest, settlement and discovery of the province of the River Plate in that portion thereof which is not yet conquered, discovered and settled, in which contract there is a chapter of the following tenor: Also, that we grant you the privilege and authority, to you, the said Captain Juan Ortiz de Zárate, and to your successor in the said government after your death, to make and cause to be made Royal marks and punches to assay the gold and silver metals, so that the imports and Royal fees which belong to us shall be collected, and to place the said marks and punches in the cities, towns and settlements of mines of gold and silver of the country, and that they be kept in our Royal vaults, under three keys, of the said towns, as we have ordered in Peru and New Spain and other places of the said Indies, Therefore, and in compliance with the said chapter above named, I hereby grant permission and authority to you the said Captain Juan Ortiz de Zárate, and to the person succeeding you in the government of the said provinces of the River Plate, to open Royal marks and punches with which to mark and assay all the gold and silver metals that may be digged out in

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(\*) This is a translation of a collection of documents kept in the National Archives of La Asuncion, which, in a copy duly legalized by the United States Consul in that city, forms part of group A, No. 10 of the manuscript documents of the "Argentine Evidence," containing eight Royal Letters Patent, published with the usual formalities at the city of La Asuncion, all of them amplifying the capitulations made with the Adelantado Juan Ortiz de Zárate.

that country, and to collect from it our Royal duties and fifths that for any reason may belong to us; which marks and punches, you, and your successor, shall put in the cities and towns and settlements of gold and silver mines in the said provinces of the River Plate, which we command that they be placed in our vaults under three locks and keys, as is done in Peru and New Spain and in the other parts of our Indies. Dated in Cordova, March the first, fifteen hundred and seventy. I, the KING. By order of His Majesty:—ANTONIO ERASO.—This Royal patent was entered in the Books of the House of Contracts of Indies, November twenty-seventh, fifteen hundred and seventy one years.—FRANCISCO DUARTE.—ORTEGA DE MELGARA.—JUAN GUTIERREZ TELLO.

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DON FELIPE, by the grace of God, King of Castile, of Leon, of Aragon, of both Sicilies, of Jerusalem, of Granada, of Toledo, of Valencia, of Galicia, of Mallorca, of Seville, of Sardinia, of Cordova, of Murcia, of Jaen, of Los Algarves, of Algeciras, of Gibraltar, of the Canary Islands, of the Indies, islands, of the main land of the ocean, Count of Barcelona, Lord of Biscay and Molina, of Athens, and of Neopatria, Marquis of Oristan and of Poziano, Archduke of Austria, Duke of Burgundy, and of Brabant and Milan, Count of Flanders and of the Tyrol, &c. &c. :

Whereas, acknowledging the many, good and faithful services rendered by Captain Juan Ortiz de Zárate, resident of the City of La Plata, in the provinces of Peru, in the conquest, discovery and settlement of the same, and your desire to continue your services and to increase our Royal Crown of Castile, we have had a contract or treaty made with you regarding the conquest, settlement and discovery of the Provinces of the River Plate in that portion thereof which is not yet discovered, conquered or settled; and that you have offered to take five hundred Spaniards, of which two hundred workmen in all kinds of trade, and farmers to till and cultivate the land, and the other three hundred for the war and conquest of the said provinces, and those who are married and quiet, you can take along with you and their wives and children, as well as the unmarried; and that you will bring into them a certain number of cattle within three days upon your arrival, to be kept in the said provinces for breeding, and that you will settle some towns: that you will have in readiness at San Lucar de Barrameda, by the month of August of the present year seventy-four vessels well manned, armed and equipped for navigation and passage to the said government, two of which to be of one hundred and fifty tons, ready to set sail, the other two to be eighty tons caravels with the said people, and necessary provisions for their support; you shall do and fulfill all the specified stipulations of the said treaty at your expense, with no obligation on our part nor on the part of the Kings who may come hereafter, to pay you for your outlays. In the said treaty there are two chapters of the following tenor: First.—We grant you the government of the River Plate, of that which is now discovered and settled, as well as of all which you may hereafter discover and settle in the provinces of Paraguay and Paraná, as well as in the

other American provinces, by you and by your captains and lieutenants whom you may appoint for the coast of the Northern sea, and for that of the South in the district of demarcation which His Majesty, my father, the Emperor, gave and granted to Governor D. Pedro de Mendoza, and after him to Alvar Nuñez Cabeza de Vaca, and to Domingo Ayala with the salary (*illegible*) and in the order in which they obtained, for your natural life and that of one son of yours whom you may appoint, or if you have none, in the person whom you may appoint while living or at the point of death ; (*illegible*) as we grant you the said government without prejudice to the other governments that we have given to Captains Serpa and Pedro de Silva: We also grant you, the said Captain Juan Ortiz de Zárate, the appointment of Governor, Captain General and Chief Justice of said province of the River Plate for the said two lives, or one son or heir or successor whom you may appoint, as above stated. Therefore, in compliance with the said treaty and the above named two chapters herein annexed, it is our will that you shall now and hereafter, during your natural life, be our Governor and Captain General and Chief Justice of the said provinces of the River Plate, in all that has been discovered, conquered and settled as well as all that may be conquered, discovered and settled in the future by you, in the provinces of Paraguay and Paraná and in all the others comprised in the said provinces of the River Plate, in the manner and in the district and demarcation in which it was given to the said Pedro de Mendoza, Alvar Nuñez Cabeza de Vaca, and to Domingo de Ayala: and have our justice, criminal and civil, with the offices of justice. And by this edict we command the Councils, Justices of the Peace, Aldermen, officers of all cities, towns and places which may be in the same, or may be settled, and our officers or any other person residing in the same, and every one who may be summoned, without any other delay or excuse, nor any further consultation or expectation on your part of other edict or mandate from me, either second or third, to receive from you, the said Captain Juan Ortiz de Zárate, the oath with the solemnity required in such cases, whereupon to receive and to consider you as our Governor and Captain General, Chief Justice of the said provinces of the River Plate, for all your life, and after you your son or your heir, whoever you may wish to appoint; and to permit you and him to use and exercise the said offices, and fulfill and execute our justice. That you may, by yourself and by your lieutenants, exercise the said offices of Governor and Captain General, Chief Justice, High Constable appertaining to the said government, or remove and suppress each (*illegible*) in the interest of our service, and to reach the ends of justice; and to appoint substitutes, and decide and determine upon all suits and cases, civil and criminal, in the already settled terms and those which may be hereafter settled by you, that may come off between Spaniards and natives; so that you and your said lieutenants and judges may carry the authority attached to the said offices and proceed in accordance with the needs of the settlement and government of the said provinces, as you may think best; and that you may use and exercise the same offices, and execute our justice, every one and all shall concur with their persons and estates and offer you all the assistance (*illegible*) that you may ask, or be in need of, and

obey and fulfill your mandates, without hesitancy or contradiction whatsoever in their part ; and recognize you as intrusted with the use and exercise of said offices, which we authorize you to use and exercise and fulfill and execute our said justice in the cities, places and towns which are settled and those which you may settle in the said provinces, by you and by the said lieutenants, as before stated ; and in case that you should not be received by them or by some of them, we hereby command any person holding the staffs of our justice in the said cities and towns, upon being intimated by you, Captain Juan Ortiz de Zárate or your lieutenant, of this my provision, or a copy thereof signed by a Notary Public, to return them to you and not to use them unless with our special permission or mandate, under the penalties to which are liable all persons using Royal and public offices without power or authority, for we hereby withdraw such power; and that the fines belonging to our exchequer and treasury which you or your lieutenants may impose shall be collected and handed over to our treasurer in the said provinces. We also order that if you, the said Juan Ortiz de Zárate, should think it convenient to our service and to the execution of our justice, that any persons now in those countries should be banished from the same, to appear before us, you are empowered to have them leave the country and make them do so in conformity with the rules governing this matter, explaining to the person thus banished, the reasons for his or their expulsion ; and if you deem it convenient that they be secret, to give them sealed, sending us a copy thereof, for our information ; but you must be very careful not to banish any body unless for a very serious cause. And whereas, in the thirteenth day of the month of January of the previous year 1558, we order you to make certain treaty and capitulations with Jaime Resquin, regarding the discovery and settlement of the said provinces of the River Plate, in which among other privileges and favors we granted him the grace of being the Governor of the towns of San Francisco and Viaça, known otherwise by the name of Puerto de los Patos, and San Gabriel, and Sancti Spiritus, and of the town of Guayra, known also by the name of Villa de Ontiveros, and of all the towns that he might settle within two hundred leagues from the said River Plate, to the Strait of Magalhaes right by the coast of the Northern Sea ; and that we gave him titles and provisions for the said government ; and because the said Jaime Resquin did not comply with the terms of our treaty and capitulations regarding the said discovery and settlement, we hereby declare null and void the said capitulations and titles which, by virtue thereof, we ordered to be given to the said Jaime Resquin, so that they being valueless, he has no right, now or henceforward, to the said government ; and we declare to be under your rule, Captain Juan Ortiz de Zárate, the towns above named and those existing within the two hundred leagues which we had given to the said Jaime Resquin to govern, and if need be I appoint you anew Governor of the same, that you and your successor after you, may exercise your authority and jurisdiction upon the same in the best manner and form, by virtue of our capitulations and of the above named chapter annexed thereto. To which end (*illegible*) and for the performance of the said offices of our Gov-

ernor and Captain General and Chief Justice of the said provinces, and to fulfill and execute our justice, we hereby grant you full power of attorney by this our letter, and by said transcript signed by Notary Public, with all its incidents, trusts, and emergencies; and it is our wish that you or your heir or successor in the said government, shall receive a yearly salary for the said offices, of two thousand escudos, and an additional stipend, which makes four thousand escudos in all, though in the above mentioned appended chapter appears the same salary paid to D. Pedro de Mendoza, Alvar Nuñez Cabeza de Vaca and Domingo Ayala; for it is our will that the said four thousand escudos shall be given you as a salary and extra pay for expenses, which you are to enjoy from the day upon which you shall set sail from the port of San Lucar de Barrameda, or the bay of Cadiz, to proceed on your voyage henceforth, during the full time of your government, said salary to be paid out, as we command our officers to do, of the revenues or rents that we may have from any source in the said provinces, and, in defect thereof, we are not to be held liable to pay you any thing, said payment to be credited to our officers, in view of the account of it and of the transcript of this our provision, and in no other way, under penalty of disgrace and a fine of one thousand castellanos in gold, for our treasury. Given at Baeza, this first day of June of fifteen hundred and seventy years.

I THE KING.—I FRANCISCO DE ERAZO, Secretary of His Royal Majesty caused this to be written by his command. *Licentiate Gomez Zapata.—Alvaro Salazar.—Licentiate Castillo Maldonado.*—(Two names that cannot be read.) This Royal provision of His Majesty was recorded in the Books of the House of Contracts, November twenty seventh 1571. It corresponds with the original. October the second, fifteen hundred and seventy one. Before me (*name illegible.*)

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THE KING: Whereas, We, appreciating the many and faithful services that you, Captain Juan Ortiz de Zárate, resident of the city of La Plata in the provinces of Peru, have rendered to us in the conquest and settlement of the same, and your good will in the continuance of the said services to increase our Royal Crown of Castile, I have ordered that a treaty and capitulations shall be made with you in regard to the conquest and settlement and discovery of the provinces of the River Plate in that portion thereof which is still unconquered, undiscovered and unsettled, in which a chapter is found of the following tenor: Furthermore, we grant and authorize you, Captain Juan Ortiz de Zárate, and your successor in the said government, if, which God forbid, there should be a rebellion or altercation in that country against our Royal service, either by the natives who have come voluntarily under our Royal submission or by some unruly Spaniards, to use the armed force to punish and persuade them, upon consultation with your officers in accordance with the feeling and opinion of the majority, so that your successor may disburse from our Royal Treasury the amounts that you, Juan Ortiz de Zárate, as Governor, or after you, your said successor, may draw



for the said purpose, and that the said officers be paid out of the proceeds of your drafts or acquittance. Therefore, in compliance with the said capitulations and chapter attached thereto, we hereby grant you, the said captain Juan Ortiz de Zarate, our Governor of the said province of the River Plate, and your successor in the said government, authority, in case of rebellion or altercation against our service in the said provinces, either by the natives who have come voluntarily into our Royal submission and domain, or by some unruly Spaniards, to start with armed force and punish and persuade them after consultation with our officers in the said provinces, and in accordance with their opinion, so that your said successor may disburse from our Royal Treasury the necessary funds; and we hereby command our said officers to pay your drafts, or those of your successors, for the said purpose, in gold and silver coins in their charge, on the strength of a copy of this our letter, signed by notary public, made at Madrid in the eleventh day of the month of January fifteen hundred and seventy years, I, THE KING.—By order of His Majesty.—ANTONIO DE ERAZO. This Royal letter patent of His Majesty was recorded in the Books of Contracts of Indies on the twenty seventh of November fifteen hundred and seventy one.—FRANCISCO DUARTE.—ORTEGA DE MELGARA and JUAN GUTIERREZ TELLO.—(*There are seven marks in the back of this letter patent.*)

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THE KING: Know ye, our officers of the provinces of the River Plate, that we, appreciating the good and faithful services rendered to us by Captain Juan Ortiz de Zárate in the conquest and settlement of the province of Peru, and his good will for the continuance of such service, and to increase our Royal Crown of Castile, have ordered a treaty and capitulations to be made with the said captain, regarding the discovery, conquest and settlement of those provinces and that portion of the same which is yet to be conquered, discovered and settled, as is more amply explained in the said treaty, in which there is a chapter of the following tenor: Furthermore, we grant you the privilege that for the term of ten years the Spaniards who are now settling the said provinces, and those whom you are about to take thither and those who may follow, shall be exempted from the payment of custom duties, from the date of these said capitulations, upon the effects that they may carry for the support of their persons and their houses; but they shall be subjected to the payment of such duties if they should sell the said effects to others; and as far as you, personally, and your successors are concerned, the said franchise shall be understood to be for twenty years, not only upon goods that you may import from these Kingdoms, but on those which you may send from those provinces, all this to be understood in regard to the custom duties, the payment of which may be in said provinces forgotten. Therefore, in compliance with the above named appended chapter, we hereby order that for the term of the said ten years, from the date of the said capitulations and treaty, you shall not impose duties on the Spaniards now resid-

ing in the said provinces of the River Plate, nor on those whom Captain Juan Ortiz de Zárate may now take thither for the discovery and settlement of the same, and upon all that they may carry for the support of their persons, wives and children and houses, for I make a donation to them of the amount of the duties, provided they do not sell the goods they may take thither within the stipulated time; and if they should sell or barter them, they shall be obliged to pay the said duties; also that all goods that the said Juan Ortiz de Zárate and his successors may take from these Kingdoms for their support and that of their wives and children and houses, or those which they may send for the said provinces for the term of twenty years referred to in the said chapter, shall be exempted from the said duties, only those which they are obliged to pay us in this country, and we command our officers on the other islands and provinces of our Indies and islands and continent of the Ocean, that though such goods be landed on them, provided they are not bartered or sold to either parties, (*illegible*) they are not to exact the payment of duties; but to enforce the payment of such duties in full, if the goods should be sold or bartered. We likewise order our said officers of the River Plate and those residing in the city of Seville in the House of Contracts of Indies to record this letter patent in their books, for the true performance of its stipulations; and in order to make it known to all, we order that it shall be proclaimed in public squares of the city by the city crier and notary public.—Dated in Madrid on the eleventh day of the month of January fifteen hundred and seventy years.—I, THE KING.—By order of His Majesty.—ANTONIO ERASO.—This Royal letter patent of His Majesty has been recorded in the books of the House of Contracts of the Indies on the twenty seventh day of November fifteen hundred and seventy one years.—FRANCISCO DUARTE.—ORTEGA DE MELGARA,—JUAN GUTIERREZ TELLO. (There were ten marks on the back of this letter patent.)

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THE KING: Whereas, appreciating the many good and faithful services which you, Captain Juan Ortiz de Zárate, have rendered to us in the conquest and settlement of the Kingdoms of Peru, and in the pacification of the same, assisting with your person, arms and horses, against the tyrants who have revolted against our Royal service, and your goodwill for the continuance of your services and the increase of our Royal Crown of Castile, I have ordered that a certain treaty and capitulations be made with you with regard to the conquest, discovery and settlement of the provinces of the River Plate or that part thereof which is yet to be conquered, discovered and settled, which contains a chapter of the following tenor: We also present you, the said Captain Juan Ortiz de Zárate with fifteen to twenty quintals of iron and steel which we have in the city of La Asuncion in possession of our officers, so that you may dispose of them as you think best, and in compliance with the said capitulations and chapter appended hereto, I hereby

present you the said Captain Juan Ortiz de Zarate with the said fifteen to twenty quintals of iron and steel which we have in the said provinces of the River Plate, in possession of our officers of the said provinces, the said iron and steel to be your property and which you may use to the advantage of said land; and we order by this present our said officers in whose possession the said iron and steel may be, to deliver it to you on presentation of this letter, and to take your receipt for the same, with which and a copy of this letter patent, signed by notary public, they shall be released; and we order that they shall be released and credited in account. Dated at Madrid on the eleventh day of January fifteen hundred and seventy years.—I, THE KING.—By order of His Majesty.—ANTONIO DE ERASO.—This Royal letter patent of His Majesty has been entered in the books of Contracts of the Indies of this city of Seville this twenty seventh day of November fifteen hundred and seventy one years.—FRANCISCO DUARTE.—ORTEGA DE MELGARA.—FRANCISCO TORRES TELLO. (There were seven marks on the back of this letter patent.)

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THE KING: Whereas appreciating the many and faithful services which you, Captain Juan Ortiz de Zárate, have rendered to us in the conquest and pacification of the Kingdom of Peru and your goodwill for the continuance of such services and to increase our Royal Crown of Castile, I have ordered that a treaty and capitulations be made with you, in regard to the discovery, conquest and settlement of the provinces of the River Plate, of that portion thereof which is still undiscovered, unconquered and unsettled; which contains a chapter of the following tenor: We also grant you commission and authority to appoint justices of the peace, and judges and mayors, for the good government and the execution of our justice, in some places and provinces or districts in the settled towns as well as those which may hereafter be settled in the government, and that our said officers shall pay them salaries. Therefore, and in compliance with the said chapter annexed thereto, we hereby give commission and authority to you, Captain Juan Ortiz de Zárate, to appoint, when necessary mayors and judges in the said provinces of the River Plate, for the good government and administration of our justice, in the places and part which may be convenient, the said functionaries to receive their salaries out of the products of the lands, in a moderate way, and which salaries we command our said officers of the said provinces to pay to the said mayors and judges out of the coins gold or silver, that may have been collected from the proceeds of the said products in their possession, and to take their acquittances, with which, and a copy of the title which you will give them in my name, signed by a notary public, we command that they be released and credited in account for what they may pay. Made in Madrid on the eleventh day of the month of January fifteen hundred and seventy years—I, the KING. —By order of His Majesty, *Antonio de Eraso*.—This Royal letter patent of His Majesty was recorded in the books of the House of Contracts

of the Indies on the twenty seventh of November fifteen hundred and seventy-one years.—FRANCISCO DUARTE.—ORTEGA DE MELGARA.

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DON FELIPE, by the Grace of God, King of Castile, of Leon, of Aragon, of both Sicilies, of Jerusalem, of Navarre, of Granada, of Mayorca, of Seville, of Sardinia, of Cordoba, of Corcica, of Murcia, of Jaen, of Los Algarves, of Algeciras, of Gibraltar, of the Canary Islands, of the Indies, of the islands and continent of the Ocean sea ; Count of Barcelona, of Biscay, of Molina, Duke of Athens and Neopatria; Marquis of Oristan and Poziano; Archduke of Asutria; Duke of Burgundy ; Count of Flanders, of Tyrol, etc., etc.

Whereas, appreciating the old, good and faithful services that you, Captain Juan Ortiz de Zárate, have rendered to us in the conquest and settlement of the Kingdom of Peru, and your desire for the continuance of the said services and to increase our Royal Crown of Castile, we have ordered a treaty and capitulations to be made with you with regard to the conquest and settlement of the provinces of the River Plate, in the part thereof which is still unconquered, undiscovered and unsettled; and that for its accomplishment you have offered to furnish five hundred Spaniards, two hundred of which workmen in all kinds of trade and farmers to cultivate the land, and the other three hundred for the force and conquest of the said provinces, and that you will take those who are married with their wives and children, and that you will have these people ready at San Lucar by the month of August of ensuing year seventy four, some of them armed, and with necessary provisions for their support, and make their passage to that government; and that you will comply with all the stipulations contained in the said treaty at your expense, without obligation on our part nor on that of other Kings coming after us, to pay for your outlays, in which treaty there is a chapter of the following tenor: Furthermore we grant you, the said Juan Ortiz de Zárate and all residents and inhabitants of the said government and those who may go hereafter, the privilege not to pay to our Royal officers duties upon the gold, silver, pearl and precious stones which may be discovered in the mines henceforth, but one tenth part, which privilege we grant you for the term of ten years from the day upon which the fusion and making of the said metal, stones and valuable pearl shall have been made. Therefore, in compliance with the said capitulations and the appended chapter, we hereby command that for the term of ten years from the day upon which the first fusion of the gold and silver and pearl that may be discovered and fused in the said provinces, they shall not be obliged to pay more than the said tenth. And to make it known by all, we order that it be proclaimed in all cities, villages and places of the said provinces. Madrid, the eleventh day of January 1570 years—

I, THE KING. I, *Antonio de Eraso*, Secretary of His Majesty, caused this to be written by his order on the back.—*Doctor Vazquez*.—*Licentiate of D. Gomez Zapata*.—*Doctor Luis de Molina*.—*Licentiate Salazar*.—*Doctor Aguilera*.—*Acdo. Cotello Maldonado*.—Registered: *Diego de Aguirre*, Chief Chancellor of the Kingdom.—This provision was recorded in the books of the House of

Contracts of Indies, on the twenty-seventh day of November fifteen hundred and seventy-one.—*Francisco Duarte.*—*Ortega de Melgara.*—*Ignacio Gutierrez Tello.*

The said Royal provision was proclaimed in the usual way this Tuesday eleventh day of the month of October fifteen hundred and seventy-five in the public square of this city in the residence of the said Adelantado by the city crier, Ifligo Lopez, and published in the presence of the undersigned Luis Marquez, notary of the government and witnesses, Captain Rui Diaz Melgarejo, Riquelme de Guzmán, and Francisco Espindola, residents of this city—Before me—LUIS MARQUEZ—Notary of the Government.

## SECOND PART

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1541-1810

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### ACTS OF POSSESSION and Jurisdiction of Spain on the Territory submitted to Arbitration, by virtue of the preceding Treaties and Capitulations.

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*The following translated documents, copied from  
the original ones and legalized by the Chiefs of the Public  
Archives where they are and by the Consuls of the  
United States of America, form part of  
group A, of manuscript documents of the  
"Argentine Evidence."*



**ACT OF POSSESSION**

**of the island of Santa Catalina by the Governor of the River  
Plate, Alvar Nuñez Cabeza de Vaca, before the  
Attorney Juan de Araoz and Witnesses  
on the 8th of April. (\*)**

In the island of Santa Catalina on the eighteenth day of April of the year one thousand five hundred and forty-one of the birth of Our Saviour Jesus Christ, before me, Juan de Araoz, Attorney to their Majesties, and of the witnesses undersigned, the most illustrious Lord Alvar Nuñez Cabeza de Vaca, Governor and Captain General of the province of the River Plate with two hundred leagues of the South Sea, and of the said island of Santa Catalina, by their Majesties, exhibited the capitulations and covenant that His Majesty made with him, in which the following chapters appeared, to which he made special reference:

Furthermore, We will appoint you Governor and Captain General of the said land and provinces thus given in government to the said Pedro Mendoza and of the said two hundred leagues of coast on the said South Sea, and of the island of Santa Catalina for all the days of your life, with a stipend of two thousand ducats each year, which you shall enjoy from the day you should set sail from the port of Sanlúcar de Barrameda, to be paid from our rents and profits in said lands, to be collected during the time of your government, and in no other manner; all this in case, as above-said, that said Juan Ayolas be not alive at the date of your arrival on said land, etc.

Furthermore, he said that, standing by said chapter and by what is con-

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(\*) This is a translation of the original document existing in the General Archive of Indies which, in a copy duly legalized by the United States Consul at Seville, forms part of group A, No. 11, of the manuscript documents of the "Argentine Evidence."



tained in it, according to what His Majesty therein grants him, he orders and commands to take, and he took, formal possession, in His Majesty's name, of the said island of Santa Catalina, with all annexed, belonging to it or which ought to belong to it in whatever way; and as evidence of said possession the said Governor caused a cross to be placed on a beach and bay of the said island, which he named the Bay of Ramos, and on which he walked to and fro, cutting some branches from the trees therein, so that now and forever said possession may stand and appear; of all which he asked me the said attorney to give faith and testimony signed and authorized in public form, in such a manner that it should be as a witness to the act, for the safety and preservation of his right; and he asked those present to be witnesses. Witnesses: Pedro Dorantes, His Majesty's factor in the said province; the Accountant Felipe de Cáceres, Diego Rodriguez, Zipión de Grimaldo, Bartolomé Gonzalez and many other persons of the fleet of the said Governor.—And I, *Juan de Araoz*, Attorney to their Majesties in their Court and Kingdoms and Lordships, being present with the said witnesses to all that has been said, at the solicitation of said Governor had it written, and annexed to it my true sign.

JUAN DE ARAOZ.

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**Acts of Possession of the Pueblo de Tocanguazú, Province of  
Vera, on November 28th, by the Governor of the River  
Plate Alvar Nuñez Cabeza de Vaca, before Johan  
de Araoz, Attorney and Witnesses. (\*)**

At the Village and Camp of Tocanguazú, belonging to the Province of Vera, on the twenty-eighth day of the month of November, the year of Our Saviour, Jesus Christ, one thousand five hundred and forty-one, the illustrious Señor Alvar Nuñez Cabeza de Vaca, Adelantado, Governor and Captain-General of the Province of the River Plate, appeared before me, Johan de Araoz, Attorney for their Majesties, and before the witnesses mentioned below, and presented a Royal Charter granted in his favor by reason of the conquest of said province, and of the discoveries and settlements to arise from said conquest, as it is further explained in said capitulations, in which the said two chapters were contained of which he wished to avail himself presently, these two articles, by him exhibited, being the one after the other, as follows:

Furthermore, we promise to appoint you Governor of the lands which you shall discover, conquer and settle, within the boundaries of the Government granted to the said Don Pedro de Mendoza, and within the said two

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(\*) This is a translation of the original document existing in the General Archive of Indies, which, in a copy duly legalized by the United States Consul at Seville, forms part of group A, No. 12, of the manuscript documents of the "Argentine Evidence."

hundred leagues of coast line of the South Sea, with the stipend of justice, payable from the rents and profit belonging to us from the land by you thus discovered, the salary by you enjoyed at that time to be taken into account.

Furthermore, we promise to give you, and do give you, the title of Adelantado of the lands that you shall discover and conquer.

Accordingly, said Governor stated that in virtue of the authorization granted to him by said Charter, he has taken real and formal possession of the land and its regions and all their belongings, from the Island of Santa Catalina, from where he departed, to this Pueblo and camp, where he is at present with the army at his command, breaking and opening routes, and mastering, conquering and pacifying said land: said possession to extend over all that he may gain, conquer or discover, or might herefrom gain, conquer and discover, in accordance with said both chapters; and for the greater firmness and strength of said possession, and as evidence of it, he had that land marked out and its boundaries set, and commanded to have it marked out and bounded as said appointed Province of Vera, to which effect he marked along his route by crosses and posts, he in said town and camp setting as mark in a tall, strong pine tree, by a stream running through said camp, a cross the height of a man and one hand more, and above the town another cross made by Pedro Dorantes, factor of Their Majesties, in the name of said Governor, who also, as a sign of possession, lifted high a red standard, saying that all should bear witness to the permanent possession of the land which he then took; and to confirm this possession, said Governor appeared before me, so that I might grant him a public document in due form, which I now do, for the protection and preservation of his right, he asking those present to bear witness, which they did, those present who saw it all being:—Friar Bernando de Armenta, Commissioner, and Friar Alonzo Lebron, Friars of the Order of San Francisco; Pedro Dorantes, Factor of Their Majesties; Captain Francisco Lopez, Lieutenant-Governor; Garcia Rodriguez, Lieutenant-Commander of the Royal Army; Don Diego Carva, Agustin de Campos, and Juan de Camargo, Captains of the Royal Army; and Francisco de Gambarrota and Juan Delgado, Ensigns of the Royal Camp.

And I, Johan de Araoz, Attorney for Their Majesties, being of one mind with the witnesses above-mentioned, and by request of the said Governor, have, in witness thereof, affixed my sign.—Here is a seal.—JOHAN DE ARAOZ.



**Original Report of Alvar Nuñez, of all the Events Occurred  
since His Arrival on the Coast of Brazil and River  
Plate; Wherein Appears the Proof of His Hav-  
ing Taken Possession of the Island of  
Cananea. (\*)**

"General report that I, Alvar Nuñez Cabeza de Vaca, Adelantado and Governor and Captain-General of the Province of the River Plate, by the grace of His Majesty, make, to inform him and the members of his Royal Council of Indies, of the things happened in the said province, whither, by his order, I started from these Kingdoms to relieve and conquer the said province."

First. "On the second day of the month of December, of the past year, fifteen hundred and forty, I started out to sea in the Bay of Cadiz, with four vessels, four hundred men and forty-six horses and mares, to go to the said Province of the River Plate."

Second. "On the twenty-ninth day of the month of March, of the past year, fifteen hundred and forty-one, I arrived with my armada at the Island of Santa Catalina, which lies on the twenty-eighth degree on the coast of Brazil."

Third. "In this Island of Santa Catalina I landed all the people and horses, in order to ascertain the state in which were the Spanish people residing in the province, and so as to be able to send them notice that I was com-

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(\*) This is a translation of the original document existing in the General Archives of Indies, which, in a copy duly legalized by the United States Consul at Seville, forms part of group A, No. 13, of the manuscript documents of the "Argentine Evidence."

ing to their relief, by order of His Majesty, and to take possession in his name of the said Island.»

Fourth. « Furthermore, I took possession, in the name of His Majesty, of La Cananea, which lies on the twenty-fifth degree more or less on the said coast of Brazil; this port of La Cananea is fifty leagues distant of the said Island of Santa Catalina. »

Fifth. « On my arrival in the said Island of Santa Catalina, I gave the natives of the same, as well as those who lived on the said coast of Brazil, vassals of His Majesty, good treatment, and made them many presents to keep them content, and I was informed by them that fourteen leagues from that island, where they call it the Biaça, there were two Franciscan monks, called the one Friar Bernaldo de Armenta, a Cordobese, and the other Friar Alonso Lebron, native of the Canary Islands, and a few days after the said monks came where I was, very much alarmed and irritated at the Indians, who wanted to kill them; and they themselves said at the same time that the houses of the said Indians had been burned, and that for this they rebelled and killed two Christians, one of which was called Simon Perera, who lived in the said land; and I took the said Friars with me and protected them, that they might take charge of instructing the Indians of said country, and I used great efforts in quieting them and making them their friends. »

(Paragraphs from VI to XI follow, which are not copied.)

Twelfth. « On the eighteenth day of the month of October, of the said year fifteen hundred and forty-one, I ordered the shipping of all the men that were to go to the said discovery, with twenty-six mares and horses which I saved from the ocean passage, and I took them to the said river Ytabucú, wherein I took possession in the name of His Majesty, and on the said Island of Santa Catalina I left one hundred and forty persons, to be shipped and to proceed to the said port of Buenos Ayres by the sea, and I commanded Pedro Estopiñan Cabeza de Vaca, whom I left as Captain of the said people, that before leaving the said island he should get supplies for the people he took with him as well as for the people that he might find in the said port, should they be in need; and to the Indians of the said island, before my departure, I gave many shirts and caps and other things to leave them contented, and of their own free will a certain quantity of them offered to go in my company to show me the way, and also to carry the load of provisions for the sustenance of the people. »

(Paragraphs XIII to XX follow, which are not copied.)

Twenty-first. « I marched a long time through the said land and Province of Vera without being able to hear from the natives any news of the people residing in the said City of La Asuncion, until on the said road I met an Indian native of the coast of Brazil, who calls himself Miguel, recently converted, who came whence were the said Christians and was going to his country, and who informed me about all that was happening in the said country, and consented to return in my company to guide and advise me on the road; and from here the Indians, which came from the Island of Santa

Catalina, bringing the loads of supplies, returned very happy for the good treatment given them and for the things given them in barter.

« During the month of January, of the year fifteen hundred and forty-two, I came to a river which is called Piquirí, in a country where I found a greater number of people and richer in supplies than what I had seen so far, and with many hens and ducks and game and fishes. All the border of this river is inhabited by many people, and all the countries and settlements that I passed understand and communicates through one language only, and they are all of a race called Guaraníes; they received me with great pleasure and satisfaction, and I gave them of what I brought, and gave them good treatment. Here a dog bit one Francisco de Orejon on the leg. »

Twenty-second. « From this river Piquirí I sent again written word, through the Indians of said river, to the officers of His Majesty and Captains of said City of La Asuncion, advising them of my coming by command of His Majesty, and in order that they might send me the two brigs to transport the people and horses and make sure of the pass of the river Paraná, as the people were warlike and had killed the Portuguese. In this river Piquirí I left fourteen sick men, besides the one wounded by the bite of a dog, and I charged the Indians to protect them and help them to go where I might be. »

Twenty-third. « Through this country and province I marched on about five months without disturbance or rupture with the Indians, during which time four hundred leagues were marched, and nearly two hundred of them were cut open through reeds, fields and very thick woods. I always went on foot, and barefooted, to stimulate the men not to dismay, because the heavy work along the route, opening roads and making bridges to cross of the many rivers, we suffered great and excessive hardships. »

Twenty-fourth. « All this country of this Province of Vera is the best land, and has better water, rivers, creeks, springs, fields and trees than I have ever seen, and much game, and is a very good country to settle in and to plant and raise cattle of all kinds, and very healthy; and all the people living in this country are, as I have said, of the race of the Guaraníes, working at farming and hen and duck growing, as the country people of our own Spain; a domestic people it is indeed, and friendly to the Christians, and fit to be won over with little trouble to the knowledge of our sacred Catholic Faith. »

Twenty-fifth. « I came to a river called Iguaçu, which flows in the river Paraná; and the river Piquirí, therein where I passed, joins too the said river Paraná; and as the crossing of this river, as I have said, is known to be dangerous, I decided to go with eighteen men, on certain canoes that I had and bought of the native Indians, down the said river Igauçu to find the river Paraná, and that I did, and by land I sent the other men and horses that they might go to the crossing, so that some on one end and some on the other would hold to land, and then we could then pass without danger. »

Twenty-sixth. « There is in said river Iguaçu a waterfall, on account of which I and my people found it better to carry the canoes by land until leav-

ing the said fall behind; and we carried them more than one-quarter of a league, pulling them by land by sheer force of our arms, until we returned them to the river and proceeded by it till we arrived to the river Paraná; and it pleased God that those going by land and those in the canoes arrived altogether at the same time, for which reason the Indians did not dare attack us, although a great many of them had gathered there, and I began to unloose amongst the principal ones gifts and good words, with which I quieted them; and with the canoes I made four rafts, on which in the course of six hours I passed all the men and horses in great peace, the very Indians helping me. »

1577-1582

**ACTION AGAINST ORTUÑO ARBILDO**  
**at Icatú in the territory of Province of Guayrá, and finally**  
**sentenced by Don Juan de Garay. (\*)**

The following were the proceedings had before Sargeant Major, Ruy Diaz Melgarejo, Lieutenant Governor appointed by the illustrious Diego Ortiz de Zárate-Mendieta, Governor and Captain General, and High Justice and Constable of all these provinces, now called New Biscay;

INDICTMENT: «In the place and mouth of the Icatú, on the tenth  
« day of the month of April of the year of the birth of Our Lord and Saviour, of  
« one thousand five hundred and seventy seven: the Lieutenant Governor,  
« Captain General and High Justice in these Provinces of Guayra, Ruy Diaz  
« Melgarejo, commenced these proceedings against Ortuño de Arbildo, Cons-  
« table of these and neighboring provinces of Ciudad Real. The said Gover-  
« nor had issued a proclamation ordering that no one should dare to annoy  
« or insult any Indians as the Spanish dwelled in the houses of the Indians,

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(\*). This is a translated extract from the original document existing in the National Archives of Paraguay, which, in a copy duly legalized by the United States Consul at La Asunción, forms part of group A, No. 14 of the manuscript documents of the "Argentine Evidence." This document, and several others which will be printed in this book, from the same precedence, has not been translated word by word, with all the ancient and long forms of that time, but inasmuch as they may fill the purpose of evidencing the exercise of the Spanish jurisdiction over the lands lying between the Atlantic Ocean and the eastern banks of the rivers Paraná and Uruguay, to wit: the Provinces of Guayra and Tapé, in which the Territory submitted to the Arbitration is situated; and also to prove the existence in the said provinces, of an administrative, judicial and political mechanism showing an organized society.



« for the River was so overflown that the natives did not venture to take our  
« said Governor and his soldiers to the Villa del Espiritu Santo where he is  
« to fulfill the orders given him. To-day an Indian chief named Sebastian  
« came to his Excellency, saying that Arbildo had taken from him his sister  
« who is a grand daughter of the chief of all these tribes of the Icatú and  
« Indians thereof, and that he was much troubled thereby; that last night, the  
« said Arbildo ordered the doors of his house to be closed and made a young  
« man, Juan Ruiz, who used to sleep with the said Arbildo, leave him; that  
« Arbildo took his sister by force and threw her in his bed, and sent a shirt  
« and some pants to the ranch of the said Indian Sebastian as her price; and  
« our Governor considering the declarations of the said Indian and that there  
« were complaints of troubles among the Indians, and that on account of  
« these they may rise and kill the few Spaniards who are here, and the settle-  
« ments may be depopulated; and as the Indian girl is of the best family, of  
« most distinguished parents and ancestors, of these tribes, and because it  
« had been agreed beforehand to marry her to a chief, and the said Arbildo  
« knew of this, and that not only he prevented the said marriage but he took  
« away the said Indian girl against the will of her parents and relatives, and  
« after the Governor had ordered that he should not speak to her as she was  
« the daughter of a chief, using force and by his fault putting in danger the  
« lives and settlements, now, in order to allay this feeling it was necessary to  
« take the said Indian girl away from the ranch of the Constable and depo-  
« sit her in another house so as to do justice to the Indians and because it  
« is convenient for the service of God and Royal Justice, I order the present  
« proceedings to be commenced against the said Arbildo, for the above  
« reasons and because he is a wicked, restless and troublesome man, as it ap-  
« pears by other torts committed by him, in the city of Santa Fé, as stated  
« in the proceedings had against him in the said city and which cause the trip  
« to be disturbed, speaking badly to the Indians, which was against the com-  
« mands of the King; all this can be seen from the investigation referred to.—  
« RUY DIAZ MELGAREJO.—Passed before me.—ALONSO DE ONTI-  
VEROS, Notary of the Government.»

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Juan Ruiz, the companion of Arbildo, testified, after taking the due oath, that Arbildo had endeavored to have the Indian girl delivered to him, that her name is María, that they refused to give her up and gave him another one named Leonor and others, and thereupon Arbildo tried to persuade the chief's son-in-law to give her up, that for three nights Arbildo did not sleep in the house and that Arbildo told Ruiz to take his hammock to Don Antonio and sleep there, and that early this morning Arbildo took the said Indian María to the ranch, and last night the doors were closed and he did not want to open them, that Macarú, the grand-father of the said María refused to give her up, as he did not want her to go out of the land, wishing to marry her to Alonso, that Arbildo took her by force, and that Arbildo had been in prison in Santa Fé de Lujan.

Francisco Montañés testified substantially to the same facts and to the bad character of Arbildo.

On the same day, the said Lieutenant Governor ordered the imprisonment of the said Ortuño de Arbildo who was put in irons, in the house of Diego de Oviedo, resident of Ciudad Real which is in this place and mouth of the Piquiri.

On the tenth day of the month of April the Lieutenant Governor ordered before the Notary, Alonso de Ontiveros, an inventory to be made of the property of the said Arbildo. The said Indian Sebastian declared that he saw Arbildo take down the hammock of the girl and took her away with him. The Indian girl Leonor testified that the said Arbildo called the Indian girl María, and that she covered herself and that Arbildo took her by the arm, brought her to his hammock where he remained with the girl until the witness fell asleep. On the twelfth day of April, one thousand five hundred and seventy seven, the Lieutenant Governor had Alonzo Sanchez Cano appear before him, and, after being duly sworn, he testified substantially to the same facts as the previous witnesses.

On the same day, month and year Antonio Añasco corroborated the testimony of the other witnesses and advised, as the others, that the Indian girl María should be returned to her grand-father so that she could marry her promised husband. Diego de Zúñiga followed and made the same declarations.

On the 13th of April 1577, the Lieutenant Governor Ruy Diaz Melgarejo, went to the homes of the Indians of Diego de Oviedo where Arbildo was imprisoned, and after Arbildo was duly sworn, he was asked whether he had taken away the said Indian María, sister of Sebastian, from the ranch of the said brother: he answered that he had not.

He said that a boy of his had told him that María had requested to have her hammock placed in the ranches of the Indians of Arbildo, and that he had consented; he said that she had not been in his hammock all night, that he had demanded her of the said Sebastian, her brother, but not of her other relatives, because the brother was sufficient, according to the Indian usage; that at the first request he refused, but at the second request he consented, because he gave Sebastian two girls that had been apportioned to him (Arbildo). He said that the five girls sent to him in lieu of María were not because they wanted María to marry her promised husband but because the Indian wanted clothing for them. He declared that he did not know of any order of the Governor prohibiting anyone from having Indian girls. He admitted that the above witnesses had requested him not to take the girl on account of the consequences and that he would not do it, and that the said Captain who now questions him did tell him not to think of the matter any more and to abandon his idea and that he had so promised. He said he did not remember having gone to the ranch of Sebastian and taken the hammock to his ranch nor having brought there María; he testified also as to his past conduct and said that he was about forty years of age, and further assured that he was not in bed, one single

moment with María, and that Juan Ruiz had gone away of his own volition as he had done three days previously.

After this testimony the one of Juan, an Indian, servant of Arbildo was taken. He said that Martín, Arbildo's boy, had been ordered by Arbildo to carry the hammock and that it was placed next to Arbildo's and that the Indian girls had told him that Maria had been with Arbildo.

Juan Merino, Treasurer of His Majesty, was the next witness and substantially testified, mostly by hearsay, to the facts of the preceding witnesses.

The boy Martín, through Francisco Montañés, the interpreter, declared that he had gone for the hammock of the said Indian girl, sent by the said Arbildo, his master, that the girl had followed him, and that he heard from the other Indian women that she and Arbildo had been together. In a petition of Arbildo addressed to the Governor, he asks that as he is going in a canoe to Espíritu Santo, the irons put on him be taken off as the river is of dangerous navigation and he might perish: the Governor thus ordered it.

On the same day Arbildo obtained two bondsmen, Juan Porras and Melchor Moreno.

On the twenty- third of April of the said year in the settlement of Espíritu Santo, Nicolas Armas made an inventory of the property of Arbildo, which was taken charge of by Juan Ruiz who was to keep it secretly until ordered to deliver it by our Lieutenant Governor. On the same day the Lieutenant Governor Rui Dias Melgarejo ordered the said Indian girl Maria to appear before him, and through the interpreter Montañés, she declared that one day, she did not know whether it was the person indicted, she heard some one speak to her brother Sebastian ; he was accompanied by Juan Ruiz ; he asked Sebastian for her, in order to take her away, and Sebastian refused, saying that our Captain would never consent ; to this Arbildo answered that when the Captain saw all the things he had given for her, he would acquiesce ; that Sebastian, angered, left the hammock, leaving the clothes there ; that Arbildo then called her, and she did not want to go ; he ordered her to take down the hammock which was in the ranch of the said Sebastian and an Indian did so and put it next to his in the ranch ; that she was asked by Arbildo during the night to go to his bed, and she refused and covered herself with her hammock ; that the said Constable went in her search, took her by the arm and her hammock was torn to pieces in her resistance and that finally he took her by force to his bed and that Arbildo had her all night there, against her will ; and that, notwithstanding she told him that she was to be married to an Indian Chief, as agreed to by her brother and grand-father, Arbildo assaulted her, saying that the Chief had another woman already, which was a falsehood, because Alonso, the said Chief, is in this town in order to marry her by the church.

Francisco Perez de Cana testified by hearsay to the above facts. Alonso de Cordova corroborated the testimony of Francisco Perez de Cana and insisted on the bad character of Arbildo.

Laurencio Menalisto said that he did not come "*with the Captain from the Falls (Salto) of Piquiriaca by way the River,*" he came with the horses

by land and he heard that if the Governor were not to come soon from the Paraná, Arbildo would be garroted, and he testified to the restless character of Arbildo.

Francisco Esquibel was the next witness, and he said that "on the coast of the Icatú," coming with the Captain and being detained there because the river was overflowed, he heard of the above facts, and that Arbildo was his companion, and of others of the Great Fall (Salto Grande) of the Paraná, and that Arbildo had proposed to them to return while the Captain was going in search of the Tupíes Indians, and that Arbildo was of bad character.

Juan de Riera testified that he came by land with the horses to this Villa Rica del Espíritu Santo and that he learned of all that "the said Ortuño de Arbildo committed in the coast of the Iguatú, with the said Indian girl María;" he testified also to Arbildo's rebellious disposition as shown in the Salto Grande del Paraná.

The Lieutenant Governor then took the due oath and he said that "the river being overflowed, our Captain was detained some days in the Mouth » of the Icatú, and he dwelled in the houses of the Indians distributed to the « High Constable," and he testified that Arbildo had repeatedly requested him to get the girl for him and he had refused for reasons of policy, and substantially repeated the facts of the indictment, saying the Chief of those Indians was the head-man of all the other Indians of this River Icatú.

After all the said declarations, in due form of law, were submitted, the Lieutenant Governor ordered that the case be closed, and that costs of it be determined: he also commanded that a true copy of the proceedings, signed and sealed in the proper manner be given to Diego de Zúñiga to be delivered, together with the person of Arbildo, at Ciudad Real to the Most Excellent Diego Ortiz de Zárate Mendieta, Governor of all these provinces, and that sufficient property of Arbildo be sold at auction to pay, if he is not able to do so, the said costs.

The said Arbildo was notified of this and he assented: the costs were determined and after their payment, the rest of the property was delivered to Arbildo by the said Ruíz who had it in deposit.

A copy of the proceedings was given to the said Diego de Zúñiga for the Governor, as ordered by the Lieutenant Governor, Rui Diaz Melgarejo. Thereupon, Arbildo, as resident of Ciudad Real, Province of Paraná, on the twenty eighth day of January fifteen hundred and eighty addressed to the Lieutenant General Juan de Garay a petition in which he declares that Captain Rui Diaz de Melgarejo had drawn certain secret proceedings against him on account of an Indian girl, refusing to give him copy thereof, and that these proceedings were now in the hands of His Excellency, the Governor of the Provinces, as General and High Justice, and asked that a copy should be given him of all the proceedings so that he could appeal or defend himself in any other due form of law.

In the city of La Asuncion, on the third day of September one thousand five hundred and eighty-two, the General Juan de Garay, being in Superior Court, ordered that the Notary should take copy of the papers and that at

the first session, any answer to be given be presented on the thirteenth day of the said month of September of the same year: Ortuño de Arbildo appeared before the General, in the presence of the said Notary and witnesses, and Arbildo said that he had nothing to add nor allege but what he had already said in his previous declarations which he ratified, denying everything said by the witnesses, and he asked that the sentence be pronounced.

The Governor Juan de Garay then sentenced as follows, closing the case, which took place and was duly tried in Iguatú.

“ Considering the indictment and steps against Ortuño de Arbildo in the  
“ Province of Guaira, contained in these proceedings sent to the Illustrious  
“ Adelantado, I sentence him, taking due account of the long imprisonment  
“ that the said Arbildo has suffered, and the great cost and expense to which  
“ he has been subjected, to banishment for three years, out of the province  
“ of Guaira, to be deprived for the said three years of the Indians belonging  
“ to him in the said provinces and to pay the additional costs of the action. ’

This sentence was notified to Ortuño de Arbildo, who promised to duly obey it.

**Title granted in favor of Captain Rui Diaz de Melgarejo, appointing him Lieutenant Governor of the Province of la Guayrá, and of Villa Rica del Espiritu Santo, in the Province of Coracivera, to be settled and apportioned. (\*)**

Captain Juan de Ortega, Lieutenant Governor and Captain General of these Provinces of River Plate, by the magnificent Señor Francisco de Vergara, Governor and Captain General in all the said provinces, in the name of His Majesty, said, that whereas, as is known by all the conquerors and settlers of these provinces, Captain Gonzalo de Mendoza, deceased, Lieutenant Governor and Captain General in the provinces of River Plate, with the consent of His Majesty, ordered the foundation and settlement of the town situated upon the river Paraná and Piquirí under the title of Villa Real, with the people and everything necessary for its population and support, for the service of God our Lord, His Majesty and the general good of these provinces; to be done by Captain and Lord Chief Justice of the said town, Captain Rui Diaz Melgarejo, who established and founded and supported the said town, in the service of His Majesty according to the instructions which were given him, until such things and events having occurred, in which the said Captain Rui Diaz Melgarejo was to busy himself in the service of His Majesty and the general welfare; he was sent for by the said Governor Francisco de Vergara, and he came to this city and fitted up the caravel

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(\*) These translations are taken from the original documents existing in the General Archives of the Indies, copies of which duly legalized by the Consul of the United States of America at Seville, form part of group A, number 15 of manuscript documents of the "Argentine Evidence."

that was to go to Spain, and other things, business and journeys intended to be made; in the mean time that the said Captain Rui Diaz was engaged in the above occupations, he was replaced until his return to the government by Alonso Riquelme de Guzman under instructions as appears in the power of Attorney, instructions, and acts in possession of Martin de Orúe, Chief Notary of the Government and Mines of these said provinces, to which I refer.— Whereupon the said Captain Rui Diaz residing in this city with his wife and children met with a certain mishap and trouble in consequence of which he has been detained and prosecuted by the Royal Court and sentenced; and while in this condition, and serving the said sentence, Juan Castaño and Francisco Montañés and Juan Moyano arrived in the said city from the said town with news, letters and advices about what had happened in the said town, by which it was ascertained that Father Escalera and Juan Garcia, clergymen, and Luis Osorio, Justice of the Peace, and Bernabé de Cuenca, and Nicolás Colman, Aldermen, with most of the residents of the said town, Spaniards and Portuguese, have revolted and deserted with the intent to go to sea, leaving the church in distress, and robbed of everything there was in it, depriving the natives of the administration of the Sacraments and Divine Services, and Christian doctrine, which His Majesty has so much recommended; carrying with themselves the treasury of His Majesty belonging to the title, and many of the natives, men and women with great noise and scandal, contrary to the services of God Our Lord and of His Majesty, to the detriment and injury of the said town, and risk and danger of the few remaining Spaniards. To remedy which and to prevent the total destruction of the said town and country, after taking the best advice for the benefit of the service of God Our Lord, His Majesty, and general welfare, upon information in writing, and in conformity thereto, I decided to remove from the government and administration of the said town and land, the said Alonso Riquelme de Guzman, as I do hereby remove him, and he is removed, separated and detached; and to reinstate the said Captain Rui Diaz Melgarejo, so that he, as founder and sustainer of the said town and land, returns to reform and support it in the service of God Our Lord and of His Majesty, as he did and could do by virtue of the said power of Attorney and instruction, and according to the same, and much better, if possible, to govern and administer the Spanish people and their children there residing, and which power I now renew to the ends above named, and help of the land and its district under his charge, as well as the natives contracted and those who may be hereafter contracted; doing justice to all the parties in every thing suitable to the service of God Our Lord and of His Majesty, and general welfare, duly and fully; for I, uniting force with force, and might with might, in the name of His Majesty, as far as his Royal service is concerned, and principally that of God Our Lord, and for the good settlement, pacification and perpetuity of the conquerors and settlers of all these said provinces and the natives of the same; and in order to prevent scandal and tumults and other similar occurrences, great or small, like those which have taken place in the said town; and that the Christian doctrine and Holy Baptism which are propagated and

professed among the natives shall be maintained and not forgotten : and that the hands shall not be withdrawn from the plough, as the example of our Redeemer and His Holy Gospel teach us ; do grant full power of Attorney to the said Captain Rui Diaz Melgarejo for every thing therein contained in full or in detail and in connection therewith, in the name of His Majesty, giving for stated and specified all the clauses and stipulations usually expressed in similar trust and powers of Attorney, either special or general ; which power he shall make use of in accordance with its provision and instructions, for the time it may suit the service of His Majesty, or at any convenience, in his name, or any other person who might, in the name of His Majesty, govern these provinces, or something to the contrary would be ordered ; and which power, commission and authority I grant in the name of His Majesty, for the reasons already explained, and many others that may be expressed and declared for the extreme necessity and imminent danger existing ; and in order to remedy the said evil, and being in accord with the said opinions and proofs, understanding that His Majesty will give his approval and consent, though the said Captain Rui Diaz Melgarejo has not served out his sentence, and referring furthermore to the foregoing statements, to impress upon the minds that an extreme necessity like this has no law ; I, hereby, in the name of His Majesty, do command the said Alonso Riquelme de Guzman, in particular, and all settlers and residents and inhabitants of the town of Villa Real, its land and district, those who may be there at present, and those who absented themselves from the said town, as well as those who are now in the way to the support of the said country and land, to revere and obey and receive the said Captain Rui Diaz Melgarejo as their Captain and Lord Chief Justice in the form and manner above stated, and to comply with the orders and edicts which he, in the name of His Majesty, in behalf of his Royal service and the general welfare he may dictate, under death penalty and loss of half of their estate and deprivation of servants for those who would disregard the said orders or edicts ; and to give him, under said penalties in case of contravention, all the aid and help that he may ask, and be in need of. Furthermore in the name of His Majesty I command the said Captain Rui Diaz Melgarejo that in case there should be a safe way to go from the said town of Villa Real to the Kingdoms of Spain and the Roman Court in order to solicit and obtain any thing convenient to him, not to go through until he advises me or any other person governing these provinces in the name of His Majesty with reliable information that the said road is safe ; and the proper person shall have been appointed to govern the said town and country in the name of His Majesty and for his service, and which person shall have ordered him, by act and testimony in due form, to leave and proceed on his voyage with the help of Our Lord, and given him the order he should have for leaving said town. In testimony whereof I gave this present power, commission and authority in the name of His Majesty to the said Captain Rui Diaz Melgarejo in his favor, in the name aforesaid, before the said Martin de Orúe, Chief Notary of Mines and the government of these provinces, which I ordered him to legalize, and to draw from it as many



copies as may be necessary, holding in his possession the original signed by my name, made in the city of La Asuncion on the river Paraguay, province of the River Plate this Friday fifth day of September, year of the birth of Our Saviour Jesus Christ fifteen hundred and sixty-seventh, in the presence of witnesses *Pedro Corral*, Lieutenant, and *Bartolomé de la Marilla*, Auditor, and *Adame de la Oberiaga*, Treasurer, officers of His Majesty in these provinces, and *Alonso de Valenzuela*, Alderman, and *Luis Marquez*, Attorney of the city, and *Alonso de Encinas*, all residents of this said city. *Juan de Ortega*. By order of the Lieutenant Governor, MARTIN DE ORUE.

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Chapters and instructions which I, Captain Juan de Ortega, Lieutenant-Governor and Captain-General in these provinces of the River Plate, make and give, with the consent of His Majesty, in connection with the above power of attorney to Captain Rui Diaz Melgarejo, to be made use of in the service of God, our Lord, of His Majesty, and of the general welfare of the country, to which he is bound by the terms of the said power of attorney, to wit:

**1.**—That he shall not take, nor consent to be taken; from this city nor from the roads thereof, any Spanish individual nor his son, except the forty persons appointed by me by letter in view of the great need in which this City of La Asunción is of men and arms; nor take, or consent to be taken, foreign Indians, male or female, from the towns and countries of the Indians who are distributed and apportioned; nor take, or allow to be taken, Indians from any division or town farther than one or two journeys, even if said Indians should like to go on of their own volition, either under pretext of going in search of grass, or otherwise, for they would risk their lives through hunger or other causes; and also on account of their being needed as friends for the service of their patrons, and to help to appease the rebellious Indians in so many parts of the country where they have taken arms against the Government.

**2.**—Upon arrival, with the help of God our Lord, of the said Captain Rui Diaz Melgarejo and his people, in the said town of Villa Real, he shall confer with the said Alonso Riqueleme de Guzman, in regard to the matters of his friendly mission, without talking nor discussing old or new topics, nor creating or recalling, directly or indirectly, any passion, either by himself or through third parties; but treating him as a loyal friend and brother, without trying to undertake any suit against him nor produce evidence, public or private, to sustain it, and to help and abate as much as possible the said Alonso Riquelme whenever he should come to this city, permitting him to bring his estate and his servants freely, without prejudice to third parties and to the natives, all of which I request the Most Reverend Father Francisco Prieto to look into and examine. Said Father is the curate of the Cathedral Church of this city, now appointed Vicar and Reformer of the Church of Villa Real and Protector of the native Indians in compliance with the will of His Majesty in discharge of his Royal conscience. With regard to the agreement made

by said Captains Rui Diaz Melgarejo and Alonso Riquelme de Guzman, in the City of La Asunción, it shall be fulfilled by both parties without difference or break whatsoever.

**3.**—The church being reformed, as well as everything in connection with the service of God our Lord and the Divine worship, and the doctrine of the natives of the land; and informed of the place and condition in which are the priests and the persons who left the said town of Villa Real with all possible speed and through the best and safest means, the Notary of His Majesty shall proceed to reduce and bring to the town the said persons with their effects and estate, without provoking, directly or indirectly, any scandal or riot, in just fear of God and of His Majesty, and having for aim the Divine and Royal service and the general welfare and the good settlement and pacification of these provinces. And whereas this is a very important subject, I charge it upon his conscience, leaving to his prudence, good judgment and experience the best methods and pacifying means to be adopted, so that there shall be no killing or bloodshed; otherwise great calamities and inconveniences may be looked for.

**4.**—Upon having, with the help of God our Lord, brought the people and reduced the said priests and the people of the said town, he shall reform the said town as may be convenient to the service of His Majesty, so that there may stay and reside in it sixty men in all and not more; and if it should be necessary for the pacification and preservation of the said town to withdraw some private persons, let it be done, and an equal number of those now going from this city to stay there shall remain, and the rest of the people shall return with their own arms, without selling or exchanging them on the first voyage to be made, with God's help, to come to this city.

**5.**—If, what God forbid, the absented people should not be able to return, then forty men and not more can remain and reside in the said city, and the remainder shall return to this city on the said Alonso Riquelme's first voyage with all their arms, as stated before.

**6.**—Before the coming of the said Alonso Riquelme, or any other people, the said Captain Rui Diaz Melgarejo, with the aid and assistance of the people which he may think convenient, shall search and dig the metals which are to be brought as sample from the country to this city, for it is important that His Majesty and his Kingdoms know and see that there are riches in these lands and provinces, so that they send vessels and people to settle the lands and increase the Crown of Castile, and principally, that the natives may be induced into the yoke and place of our Holy Catholic Faith, and when the said metals have been dug, and the people left under the required spiritual and temporal safeguard, they will come personally with the said metals and people, bringing the said Alonso Riquelme and suspicious persons by river or by land, as may be more convenient, so that everything, with the help of God our Lord, may safely reach this city.

**7.**—Should said priests and people who have absented themselves refuse to return by request or admonitions, they are to be required, in the name of God our Lord and of His Majesty, and of the general welfare of all these

provinces, to return to the said town, to serve God our Lord and His Majesty, protesting against them, if they should not do so, all evils, wrongs and deaths of Spaniards and natives, abandonment of towns and countries, and if after the three said requirements should they insist upon their hardihood and pertinacity, he shall try by all means and forms, and with all possible safety, to avoid desertion of their people and avoid that the natives lend them assistance for their journey; but on the contrary, that they shall throw obstacles in their way and deny them provisions, doing in this respect all that he may think convenient to the service of God our Lord and His Majesty and general welfare of these provinces, using the time and convenience necessary to have them return without killing, bloodshed, scandal and dangers to the natives of the lands, according to the will and command of God and His Majesty, taking advantage of the help of the natives to attain that end, for from their desertion it is evident that evils and injuries are to be looked for, and many privations and labors may occur if God our Lord does not remedy it.

8.—And if the said priests and absented persons at the time he shall arrive in their pursuit at the settlement of Igotú, where they stopped, should have departed from there, and he should have noticed that they are in Coracibera, four or five journeys farther on, he shall go there with all the possible safety, and make there the above-named endeavors to bring back the same priests and people; but he shall not pass further on, and with or without them he shall return with all speed to the said town of Villa Real.

9.—As to the digging and working of the metals from the mines, he shall proceed with the necessary safety, so that in this first instance all the metal may be dug from any part and place where it may be found, in order to bring samples thereof to this city, as before stated, so that order may be given to work the mines with more hands, forges and tools than at present; and if it should be necessary he may have trees cut for buildings near the said mines and in a moderate way, for with planting and sowing there is less need of food and more facilities for digging the said metals, and with the aid of God our Lord a town may be founded, and then the lands for cultivation and brood shall be distributed among the residents, as is customary when a new town is founded.

10.—And having noticed that on this side of the Paraná, on the road to be followed by land, until the place where said mines and metals were discovered, which is before reaching the river called Yacarey, there is certain tribe or tribes of people with whom no intercourse has been had before, which might obstruct the way out and back; in such a case he shall try all he possibly can to induce them to serve God and His Majesty, and to press them vigorously by the force of arms and the assistance of friendly Indians, so as to secure a free and safe passage upon the said road,

11.—In everything else that may occur, according to the times and disposition of the country, the said Captain Rui Diaz Melgarejo shall act and proceed as it may be most convenient to the service of God our Lord, and of His Majesty, and most useful and profitable for the general welfare, as I,

in the name of His Majesty, trust he will do as a noble gentleman under obligation to serve God our Lord and temporally His King and natural master, is to be trusted. Dated in the said city of La Asuncion on Friday the fifth day of September of the year of our Lord, fifteen hundred and sixty seventh. I signed it by my name, and in corroboration and strength I ordered it to be legalized by *Martin de Orúe*, Chief Notary of the Government and mines of these provinces, in the presence of witnesses at the reading and signing, *Pedro Corral* and *Bartolomé de la Marilla*, and *Adame de la Oberriaga*, officers of His Majesty in these provinces, and *Alonso de Valenzuela*, Alderman, and *Rui Marques*, Attorney of the said city, and *Alonso de Encinas*; *Juan de Ortega*.—By order of the Lieutenant Governor, MARTIN DE ORUE.

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**1567.**—In the city of La Asuncion, on the river Paraguay, province of the River Plate, Friday the fifth day of the month of September, year of the birth of Our Saviour Jesus Christ, fifteen hundred and sixty seventh, in the residence of the Most Magnificent Lord Captain Juan de Ortega, Lieutenant Governor and Captain General in these provinces of the River Plate, and being there present the said Lieutenant Governor and Captain Rui Diaz Melgarejo, and the persons and witnesses herein after described, before me Martin de Orúe, Chief Notary of the Government and mines of these said provinces, the said Captain Rui Diaz Melgarejo said: that whereas it appears from the powers of Attorney that the said Lieutenant Governor has granted and given him to-day in the name of His Majesty, and from the instructions contained in the said power of Attorney, he is going to aid, reform and support the town of Villareal, founded and settled on the banks of the Paraná and Piquiri, by the said Lieutenant Governor, he had been asked that for the keeping and fulfilment of the said power and instruction he shall profess fealty as a nobleman in the usual way, and therefore and bringing to effect the solemnity and fulfilment of the said profession of fealty, that I, the said Notary should give faith and testimony that he in the hands of Alonso de Valenzuela, Alderman of this city and nobleman who was there present, made profession of fealty by putting his hands together and placing both in the hands of the said Alonso de Valenzuela saying these words: I do make profession of fealty one and two and three times; one and two and three times; one and two and three times, as a nobleman, according to the law of Spain, swearing to keep, fulfill and maintain the power and instructions and clauses and chapters therein contained as best and loyally that I may be able to do, and everything convenient to the service of God Our Lord, and to that of His Majesty, and the general welfare of these provinces and their settlers and natives; and that I shall not go back upon any part of the said stipulation, so help me God, under penalty of being looked upon as an infamous perjurer and a despicable man. The said Lieutenant Governor asked me, the said Notary, to give him a testimony thereof, and keeping this original in my possession, to give another one to Captain Rui Diaz Melgarejo; and at his request and that of Captain Rui Diaz, I gave the present testimony in the said

month and year above named, and the said Lieutenant Governor, who was there present, and the said Captain RUI DIAZ MELGAREJO signed the same by their names in the presence of witnesses *Pedro Corral y Bartolomé de la Marilla and Adame de la Oberriaga*, officer of His Majesty, and *Rui Marques*, Attorney of the city, *Alonso de Encinas, Juan de Ortega, Rui Diaz Melgarejo*.—Before me, MARTIN ORUE.

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**1567.**—In the town called Ciudad Real, in the province of Paraná, Friday seventh day of November, year of the birth of our Lord Jesus Christ fifteen hundred and sixty-seventh, in the presence of the undersigned notary public and witnesses, there being present the most magnificent Lord Alonso Riquelme de Guzman, Captain and Lord Chief Justice of the said town and of the province of Paraná, by the most magnificent Lord Francisco de Vergara, Governor and Captain General of these said provinces of River Plate, in the name of His Majesty, appeared Captain Ruiz Diaz Melgarejo, and there being a multitude of people gathered at the doors of the said Captain Alonso de Riquelme, produced a written paper signed by the most magnificent Lord Captain Juan de Ortega, Lieutenant Governor and Captain General, legalized by Martin de Orúe, Chief Notary of the Government and the mines, and asked me to read, intimate and notify the same to the said Captain Alonso Riquelme and residents there present, and at his request I did read, intimate and notify the said writing above named to the said Captain Alonso Riquelme and residents present and the witnesses to the said notification, Rodrigo Garcia Mosquera, Luis Perez, Fernan Gallego, Gaspar Hortigosa, Notary Apostolic, residents of the said town, and requested to act as such. Whereupon the said Captain Alonso Riquelme, having seen the said writing by himself, and in the name of the residents of this said town of Ciudad Real, said, that he obeyed the order of the said Lieutenant Governor, and in compliance with the same, he took the staffs of justice, and placed them in the hands of the said Captain Rui Diaz Melgarejo, so that His Lordship may do and administer justice in the said town; and requested me the said Notary, to give him a testimony thereof, and those present to act as witnesses: and I, the said Notary, give testimony of what I saw and heard and happened before me on the said day, month and year above named; and I signed the same by my name. JUAN DE PARRAS, Notary Public.

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1574

The Adelantado Juan Ortiz de Zárate grants power of Attorney in favor of Captain Rui Diaz de Melgarejo to undertake an expedition in search of food and provisions.

The Adelantado, Juan Ortiz de Zárate, Knight of the Order of Santiago, and Governor and Captain General and Lord Chief Justice in these provinces of the River Plate by the Majesty of the King Don Felipe, our Master,

making use of the powers and provisions which I hold from His Majesty for every thing contained in the power of Attorney, which are not here inserted on account of its length and notoriety, in obedience to your rank. Captain Rui Diaz Melgarejo, resident of the city of La Asuncion, present in this my Royal camp, and in consideration that you are a nobleman, deserving to be trusted with that which shall be hereafter explained, I select and appoint you Captain of His Royal Majesty and mine, in his name; and whereas at this moment I, and the people of my fleet, are in extreme need of provisions and food for our support, and it is necessary to send for it without delay, trusting on your good offices and experience, and that you will try to act in the service of God, our Lord, and of His Majesty and the welfare of this fleet, I grant you full power of Attorney to proceed with the two brigs, at present in this fleet, which are the brigs which you brought here called San Cristobal, and the other one which I ordered to be built, on the island of San Gabriel, called San Gabriel; and with the men-of-war, soldiers and mariners and my officers, to sail around the said provinces of this said River Plate, to the points and places which you may think convenient, and try as best you can to bring all the provisions of corn, mandioca and beans, and meat, and fish, and any other eatables that you may find, and return immediately to this fleet where I remain; and I command the Captain Francisco del Riego who goes on the small brig and the soldiers and mariners to follow you, and to go in your company and to obey the orders that you may give them, and I command the Knights and their servants, soldiers, pilots and masters, and the rest of the officers going on the said brigs to hear and obey you as Captain of His Majesty and mine, and to obey your orders and commands and decrees, under the penalty that you may see fit to inflict, which penalty I give you full power to impose upon the rebels, for such as you may impose have my approbation, and I command them to hear and obey you as such Captain of His Majesty and mine in his name, for the same full power which I have received from His Majesty, I transfer to you with free and general administration, and I command that it be so accomplished by all, under penalty of death for those who did the contrary.

I also give you this power so that in case you could not return to this island and fleet, where I remain, with the necessary promptness, for the service of God and of His Majesty, and for the benefit and support of the people, that you may proceed as you may think best, to which end I grant you full power signed by my name and legalized by the undersigned Notary, made on the island called Martin Garcia, in the provinces of the River Plate, on the twenty third day of the month of February of the year of our Lord, fifteen hundred and seventy. fourth. Witnesses present: Captain *Juan Alonso de Quiró*, *Hernando de Montalvo*, Treasurer, *Rodrigo Gomez*, Admiral, the Adelantado *Juan Ortiz de Zárate*.—I, the said Adelantado, do state that whereas in the commission above-named which I gave you, Captain Rui Diaz Melgarejo, to make the said trip to search and bring provisions and for no other purpose, it is my wish that this said commission shall be understood for the other voyages though it be not so stated in the

said commission, until I may dispose otherwise. Dated April the thirteenth, fifteen hundred and seventy four.—Adelantado *Juan Ortiz de Zárate*.—By order of His Lordship *Pedro de Xeres*, Notary.

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1575

**The Adelantado Juan Ortiz de Zárate grants Captain Rui Diaz Melgarejo as his Encomienda three hundred and fifty two "fires" of Indians in the Province of Guayrá.**

Adelantado Juan Ortiz de Zárate, Knight of the Order of Santiago, Governor Captain General, Chief Justice and High Constable in all this Government and provinces of the River Plate, newly entitled the provinces of La Nueva Vizcaya by the Majesty of the King Don Felipe, our Master: considering that you, Captain Rui Diaz Melgarejo, have been a resident of these provinces thirty five years, more or less, and that during that time you have served His Majesty well and loyally, whenever it has been convenient to his Royal service, and that you have been present at the entrance and discoveries which have been made, and at the punishment of the native Indians of these provinces in revolt against the service of God, our Lord, and of His Majesty; and having been informed of your devotion and zeal and willingness to serve His Majesty, with which you settled the city of Puerto Real, in the province of Guairá, on the river Paraná, at great and excessive sufferings and expense, conquering as you have conquered all or most of the natives of those provinces, bringing them into submission to His Majesty and servitude of the Spaniards residents of the said city, and that you gave and dedicated the houses that you built for your residence in the said city, to be used as a fortress of His Majesty; also that you, the said Captain Rui Diaz, with the zeal above-mentioned, have tried to discover, and have actually discovered, a great wealth of copper metal in the said province, where it is hoped, with the help of God, that gold will be discovered, in the service of God, our Lord, with the propagation of our holy Catholic Faith in those provinces and the foundation of other towns on the same, whereby the Royal Crown of Castile and Leon shall be very much benefited, and that in one of the places where you discovered the said metals, at your cost and labor, you built and settled a town and fortress called El Espiritu Santo, where, I am informed, lead mines have been discovered, and God will grant that silver shall be found also there, so that every thing may result in His holy service, and in that of His Majesty, and in the good and benefit of all the Spaniards residents and inhabitants of all these Governments and provinces, the said town being founded under the name of Espiritu Santo, upon the road of the fort of San Francisco which I intend to settle with the help of God, our Lord;

And furthermore, that you, the said Captain Rui Diaz left this city on a

caravel built in the same city to take the news to His Majesty of all the events that had taken place in these provinces, and that owing to a storm you reached the coast of Brazil and arrived at San Vicente, a town of His Highness the King of Portugal, where you learned that I, with my fleet, had entered Rio Grande del Paraná; and considering, as you did consider, to be convenient, as it really was, to the service of God, our Lord, and to that of the Majesty of the King Don Felipe, our Master, and to me in his Royal name, to come, as you did come, to help me on the said caravel, in spite of the opposition of the Bishop and other persons, God granted that you should reach, as you did reach, the port of San Gabriel with the said help, just in time when I and all my men were in great distress and need of provisions, owing to the many wrecks and hardships that I had endured, and to the war that I sustained with the natives of those provinces, in all which you have acted as a faithful nobleman and loyal vassal of His Majesty and jealous of His Royal service: Therefore, in consideration of the respectability and merits of your person, in the name of His Majesty, and by virtue of the Royal powers of Attorney granted me, and which are not herein inserted and specified owing to their notoriety, I give and commend you a lot of Indians in the said provinces of Guaira where three hundred and fifty two «fires» (\*) of Indians are subjected to the Caciques in the following manner: Firstly, in the mouth of the river called Piquirí, six houses whose Cacique is called Andrés Yai, where there are fifty one «fires» of Indians more; on the same river Paraná, under the fall, seven houses, of the first one of which Juan Orllarimáis the Cacique, who has seventeen «fires,» and Tapiaita is Cacique of the five having forty nine «fires,» and Domingo Erepachi is Cacique of the other with five «fires» of Indians: on the river called Uvay there are seven houses, the principal of which is Gaspar Tayaoba, having in all sixty eight «fires» on the said river: further down, under the first fall, another house of Indians, the principal of which is Miguel Carachi, with ten «fires» on the above-named river Piquirí, one house of Indians, whose principal is Francisco Moroacen, having forty five «fires» on the river Paranápanema, seven houses of Indians whose principal Cacique is called Tacainy. From these seven houses having one hundred and seven «fires» the said principal withdrew, and with the remaining five another Cacique called Urumutin went away, and were followed by other Indians from a river called Pirapó; consequently, there are in all three hundred and fifty two «fires» at your service and obedience, considering yourself as the person to whom they have been commended, under the obligation to comply with the ordinances and rules with regard to the allotment of Indians, and those that I may dictate and publish in the name of His Majesty; and I recommend you to give them a good treatment and the religious education of the said Indians, which I impress upon your conscience in discharge of His Majesty's and mine. I give you the said lot of

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(\*) By «fire» (fuego) it is here understood one Indian with his wife and children, although a «fire» usually corresponds to many more.



Indians in the aforesaid manner, and I commend them to you for all your life and for that of one legitimate son of yours in the manner in which His Majesty has made donation of the Indians that are commended in all the Indies of the Ocean. I command all and any of the Judges and Justices of His Majesty of the said city of Puerto Real, and of all other cities, villages and places of all these Governments and provinces who may be called upon by this letter, to help you in the actual and bodily possession of the said allotment, under penalty, in case of contempt, of three hundred golden castellanos, to be applied to the treasury of His Majesty. Made in the city of La Asuncion of the said provinces of the Nueva Vizcaya, on the seventh day of the month of July of the year of our Lord, fifteen hundred and seventy fifth.—Adelantado JUAN ORTIZ DE ZARATE.—By order of His Lordship, *Luis Marquez*, Notary of the Government.

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1575

**The Adelantado Juan Ortiz de Zárate appoints Captain Rui Diaz de Melgarejo his Lieutenant Governor and Captain General of Ciudad Real, in the Province of Guayrá, and Villa Rica del Espíritu Santo, in the Province of Coracivera, and gives him Instructions.**

Adelantado Juan Ortiz de Zárate, Knight of the Order of Santiago, Governor and Captain General, Lord Chief Justice and High Constable of this Government and provinces newly entitled Nueva Vizcaya by the Majesty of the King Don Felipe, our Master, considering that you, Captain Rui Diaz Melgarejo, an old conqueror in these said provinces and government, have served His Majesty in the same, well, loyally and diligently in every thing that has been done for their conquest and settlement, at your expense and labor; and that you are a nobleman possessing honest and good qualifications to take charge of matters in connection with the Royal service, specially of those at the service of God, our Lord, and of His Holy Catholic Faith, which you will serve as a good, faithful and christian catholic, and for the firm confidence which I have in your person and good judgment, I hereby in the name of His Majesty and by virtue of his Royal authority, which by its notoriety and publicity known to all are not herein inserted; I appoint and select you as my Lieutenant Governor and Captain General and Chief Justice of Ciudad Real in the province of Guayrá, and of Villa Rica del Espíritu Santo, in the province of Coracivera, which you are about to settle in the name of the Majesty of the King Don Felipe and of His Royal Crown of Castile and Leon, in the name of myself, the said Adelantado, and in pursuance of the treaty and capitulations which I have taken with His Majesty in regard to the conquest and settlement of all these provinces of the River Plate newly entitled Nueva Vizcaya, as stated, in order that as my Lieutenant

in all the three offices, you may have under your charge and administration the said two towns with all their districts and jurisdiction as long as it may please me, and no longer ; and to use and exercise as my said Lieutenant Governor, Captain General and Chief Justice, the said offices and charges in all the things and cases connected therewith, governing and administering justice to the parties either ex-officio or by request, and heading the men, and leading the same in war and in peace, as you may judge best and in a manner as accomplished as I, in the name of His Majesty, can and must do, by virtue of the said Royal power of Attorney which I command you to exhibit in the Councils of Ciudad Real and Villa Rica del Espiritu Santo, together with this my title and provision, so that you shall be admitted in the said offices, and considered as my Lieutenant ; also that you shall be paid the salaries and fees belonging to the said offices, and that you shall be honored with all the preeminence and prerogatives due all persons holding said offices of His Majesty, to which end I hereby, in the name of His Majesty, command them to consider you as my Lieutenant in the said offices, the said Council taking first your oath of office and the usual bond, according to the laws and regulations regarding officers of His Majesty. For all the above-said, and for every thing or part thereof, I grant you as ample a power of Attorney as I have it myself from His Majesty, for all the said Royal provisions, with all their incidents and connections, with free and general administration ; and I, in the name of His Majesty, command all the residents and inhabitants of the said Ciudad Real, and the said Villa Rica del Espiritu Santo, to obey and revere you, and to consider and recognize you as my Lieutenant Governor and Captain General and Chief Justice, and to comply with your orders and decrees, which they must not oppose nor break, under penalty of bodily punishment and fines that are imposed upon the transgressors and violators of such orders and decrees, which in the name of His Majesty and His Royal Justice are issued and published, besides other penalties, bodily or pecuniary, which in the name of His Majesty and mine you might dictate, to be executed upon the persons and estates of the rebels, for their punishment and as an example for others. I also grant you full power to make and appoint allotments of Indians and Yanacunas, not only of those who may be vacant and unallotted, but of those which may become vacant and conquered and discovered in the country and towns of Indians called Yviroyarás, in this manner : that in Villa Rica del Espiritu Santo, which you are about to settle as stated, you shall commend the allotments of the Indians for three lives, as ordered by His Majesty, that is to say, for the life of the father and after him that of the son, and after the son that of the grandson, and there being no male, the daughter, and in defect of both, the legitimate wife of the first patron ; and in Ciudad Real for two lives, like other allotments that have been given so far. Besides all things they are to be marked and registered in the census by towns and houses and caciques individually, with the Indians which were their subjects, in order to avoid litigations in the future, as by omitting the census there might be trouble. After the said visit and registry shall have

been made, the said Indians are to be assessed for the amount that they can possibly give without injury to their lands, before I confer and approve such allotments of Indians, that you, Captain Rui Diaz Melgarejo, in the name of His Majesty and mine, shall make to the conquerors which are worthy of the grant according to their qualifications and services, as ordained by His Majesty, provided all my instructions, provisions and commands in conformity with the law shall be maintained and complied with, there being no appeal nor supplication against them. I also grant you power and authority specially, to appoint in case of absence your Lieutenants, both in the said Ciudad Real and the said Villa Rica del Espiritu Santo, with such power and commission that you may judge convenient and necessary, every one of which you may revoke, and appoint others at your will, so that you and your Lieutenants, in your absence from the said towns, may grant any appeal from the said residents and inhabitants of the said towns and provinces, not only before His Majesty and the members of His Royal Council, but before me in conformity with the law as ordered by His Majesty. Dated in the City of La Asunción, of the Provinces of Nueva Vizcaya, Friday, the fourteenth day of the month of October, and year of the birth of Our Saviour, Jesus Christ, fifteen hundred and seventy-fifth. Adelantado JUAN ORTIZ DE ZÁRATE. By order of His Lordship, *Louis Marquez*, Notary of the Government.

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1576

**Confirmation of the previous appointment by Diego Ortiz de Zárate Mendieta.**

Know all men who may see this letter, that I, Diego Ortiz de Zárate Mendieta, Governor, Captain-General, Chief Justice and High Constable in these Provinces and Government of the River Plate, newly entitled La Nueva Vizcaya, do hereby say, that in conformity with Royal provisions and capitulations of His Majesty, and in His Royal name, and also in conformity with the appointment made in my favor by the Most Illustrious Señor Juan Ortiz de Zárate, Knight of the Order of Santiago, Adelantado, Governor, Captain-General, Chief Justice and High Constable in all these provinces and Government, by a clause, extensive and luminous, of his testament and last will, to all of which I refer, approving and ratifying the full power of attorney which the said Adelantado, now deceased, granted to the Captain Rui Diaz Melgarejo, appointing him his Lieutenant-General, Governor, Captain-General and Lord Chief Justice of Ciudad Real and of La Villa Rica del Espiritu Santo, in all their provinces, for the support, government and administration of the same, and for everything contained and declared in the said power of attorney, to which I refer, without making exception of anything, but on the contrary, leaving it in all its entirety and vigor, and now corroborated in the said name of His Majesty; and because it is so convenient to His Royal service and to the general welfare of all these provinces and Gov-

ernment, I hereby give and grant to the said Captain Rui Diaz Melgarejo the same power of attorney which the late Adelantado had given and granted him, as ample and general as if it had been made and granted by me, before a notary public and witnesses, with all the solemnity required by such power of attorney which the said Captain Rui Diaz Melgarejo will maintain, as well as comply with the instructions given by the said late Adelantado with regard to the order and method he shall keep in reference to his commands regarding the service of God our Lord as well as that of His Majesty, the good and preservation of everybody, Spaniards and natives; and in the name of His Majesty I command all the settlers and conquerors of the said Ciudad Real and Villa Rica del Espiritu Santo, residents and inhabitants which may hereafter come to the said towns from any other parts and places of these provinces and from the Kingdoms of Spain and the coast of Brazil, that after this probation and new power of attorney shall have been read and published, they shall obey and revere the said Captain Rui Diaz Melgarejo as if he were my own person, and to keep and fulfill his orders and commands, and not to oppose the same in any way or form, under penalty of death and confiscation of half their estates, which shall be applied to the Treasury of His Majesty, besides other penalties, bodily and pecuniary, which may be incurred by the rebels against the Governors, Captains and Justices who, in the name of His Majesty and by virtue of His Royal power of attorney, may dictate for the good of His Royal service; and that said penalties and every one of them shall be imposed and executed upon the rebels and transgressors, so that they may serve as punishment to the said rebels and as a warning and example to the others. And I give for granted and specified all the clauses, conditions and validity which may be necessary for the approbation and ratification of this new power of attorney appended to that of the said late Adelantado, with all its incidents and connections, with free and general administration. In proof of which I pledge my person, my estates, and those I may own hereafter. In testimony whereof, I grant this present letter and ratification and new power of attorney before the Notary Public and of the Council, and the witnesses hereinafter mentioned, in the City of La Asunción, in the residence of the Governor, Tuesday, the sixth day of the month of March, year of the birth of Our Saviour, Jesus Christ, fifteen hundred and seventy-six. And the said Governor signed it with his name upon the register in the presence of the following witnesses: *Joan Delgado, Martin Rui Guerra and Diego Martinez*. And I, *Bartolomé Gonzalez*, Notary Public of His Majesty and of the Council of this City of La Aunción, was there present with the said witnesses at the granting of this saids power of attorney, which, by request of the said Governor who signed the original in my possession, I caused to be here written, putting my signature in testimony of truth: Notary Public and of the Council.

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**1576.**— In this Ciudad Real, Palm Sunday, after mass, being the fifteenth day of April fifteen hundred and seventy six, the greater part of the

residents and inhabitants of this city being assembled by request of Captain Rui Diaz Melgarejo, Lieutenant Governor, Captain General and Chief Justice before me, Alonso de Hontiberos, notary of the Government, Juan Lopez, city crier of this city, read this power of attorney in the presence of witnesses *Diego de Zúñiga, Diego de Oviedo, Juan Merino* and many other residents of the said city, and I hereunto affixed my hand in testimony of truth. Before me.—ALONSO DE HONTIBERAS, notary of the Government.

**1579.**—Juan de Garay, Lieutenant General, Governor and Captain General and Chief Justice and High Constable in these provinces and Government of the River Plate for the Most Illustrious Licentiate Juan de Torres de Vera y Aragon, of the Council of His Majesty, and Judge of the Royal Chancery of the city of La Plata, Adelantado, Governor Captain General, Chief Justice and High Constable in these said provinces and Government, in pursuance of the Royal provisions given and granted to the most Illustrious Juan de Ortiz de Zárate, deceased, and by virtue and on the strength of the last clause in his will and testament under which he died and departed this life during which he appointed as his successors in the said Government and offices above named the person who would marry Doña Juana de Zárate, universal heir approved by His Majesty; all of which, as it is public and notorious, is not herein inserted: and I appeared before the council and Government of this city of La Asunción with the power of attorney and provisions which the said Adelantado granted me, and after taking the required oath I offered the bonds required in these cases, which were approved and received; and since then to the present day I have governed and do govern the said provinces, trying to maintain them in peace and justice, and I mean to do the same hereafter with the will and help of God our Lord, busying myself with the things that may be most convenient to His Divine service and to the Majesty of the King Don Felipe, our Master, in whose name and that of the Adelantado I have done it, and mean to do, and because the Illustrious General Rui Diaz Melgarejo has been governing and supporting for many years the Ciudad Real and the Villa Rica del Espiritu Santo in all the provinces of Guaira and Coracivera and other territories where he has served and does serve God our Lord and His Majesty, and being well and fully obeyed by the Spaniards and our children, and also by the natives of the said provinces, making use of the power of attorney and authority granted me by the said Adelantado Juan Ortiz de Zárate, and after his death with the approbation and ratification of Governor Diego Ortiz de Zárate Mendieta, and by my having brought the new provision and powers of attorney from the said Adelantado, as before stated; it is resolved in the said name of His Majesty and in that of the said Adelantado Juan de Torres de Vera y Aragon, to send to the said General Rui Diaz Melgarejo new and final approbation and ratification of all the said powers of attorney which he has used and is using, adding strength to strength and substance to substance: I do hereby give and grant unto him as ample, full and general power, commission and authority

as it may be necessary, so that, acting as such Lieutenant-general in the said provinces of Guaira and Caracibera and their district and jurisdictions, he shall exercise the functions of his offices, governing and administering justice, civil and criminal, procuring the service of God and of His Majesty so that under the auspices of this name and title this justice may be maintained and administered, with tendency to mercy rather than to severity, and keeping the natives in peace and obedience and in the good doctrine of our Holy Catholic Faith; and that he may be obliged in the civil and criminal suits that may come before him for trial, to grant appeals before whom His Majesty may command; and to appear with this power of attorney, approbation and ratification before the Council and Government of the said Ciudad Real where he shall be received and obeyed with new oath and bonds, as usual. And I hereby command all the residents and inhabitants of the said Ciudad Real and Villa Rica del Espiritu Santo and their districts and jurisdictions, to obey and revere the said General Rui Diaz Melgarejo, and to abide by and fulfill his orders and decrees humbly and obediently, under the penalty which he may impose or which may be imposed, bodily or pecuniary, to be executed upon the persons and estates of the rebels and transgressors, because for all the above stated, and for every thing in particular, I do grant full authority to the said General Rui Diaz Melgarejo with all its connections and incidents and free and general administration, giving as already specified all the other clauses, force and firmness required by law, that may impart strength and validity to all the above stated. In proof of certainty and safety of every thing above stated I affix my hand hereunto, and command Luis Marques, notary of the Government to legalize it, for further corroboration, and that an original record thereof be kept in his possession, to which the present were witnesses.

—HERNANDO DE MONTALVO, Treasurer, *Luis Peralta* and *Juan Velazquez Prieto*.— Dated in the City of La Asunción on the twentieth day of September, fifteen hundred and seventy nine years.—*Juan de Garay*, by order of the said General, *Luis Marquez*, notary of the Government. I, *Bartolomé Gonzalez*, notary public in all the Indies, islands and lands of the Ocean sea, and of the council of this city of La Asunción, and resident of the same, do hereby testify to all who these presents may see, that the most Illustrious General, Juan de Garay, on Monday the fifteenth day of the month of September of the previous year, fifteen hundred and seventy eight, appeared before the council of this said city, with the powers of attorney and provisions which he brought, to govern these provinces and government of the River Plate, for the most Illustrious Licentiate Juan de Torres de Vera y Aragón as successor to the said Governor, Captain General and Chief Justice and High Constable and Adelantado for life, in the same provinces, as legitimate husband of Doña Juana de Zárate, deceased, and approved by His Majesty and universal heir of her father above-named by virtue of the said power of attorney which were seen and read in the said council; the said General Juan de Garay, after taking the oath in form and giving the bonds according to law and custom, was proclaimed and obeyed as Lieutenant General in all these provinces and government, by virtue of which he has governed and

governs, and administered royal, civil and criminal justice, and is as such obeyed and revered without any opposition. The said powers of attorney brought by him are in my possession signed by the said Adelantado Juan de Torres de Vera y Aragón. In the city of La Plata on the ninth day of the month of April of the said year seventy eight.—Signed and legalized by *Juan Prieto*, notary public of His Majesty and council of the said city of La Plata and its jurisdiction: and also signed and legalized by *Francisco Logroño*, notary public, and by *Hernando de la Hoz*, notary of province. In testimony whereof I give these presents signed with my name, and read before the witnesses in the said city of La Asunción on the twentieth day of September fifteen hundred and seventy ninth year of the birth of Our Saviour Jesus Christ. Witnesses *Hernando de Montalvo*, Treasurer, *Luis de Peralta* and *Juan Velasquez Prieto*.—*Bartolomé Gonzalez*, notary public and of the council.—I, *Juan de Escalante*, notary public and of the council of this city of Santa Fé and its district, made this copy from the originals of the said titles and letter of allotments which remained in possession of Captain Manuel de Frias, and which copy is a true one corrected and revised by order of the said Juan Sanchez, Justice of the peace of this city and its jurisdiction, and by request of the said Captain Manuel de Frias, I gave these presents in the city of Santa Fé on the fourteenth day of the month of September sixteen hundred and two, in the presence of the following witnesses, when the copy was being taken and revised: *Father Juan Estevez*, priest, and *Francisco Ruiz* and *Juan Sanchez*, residents of this said city. In testimony of which I affixed my hand thereunto. *Juan de Escalante*, notary public and of the council.

We, Don Francisco Martel de Guzman, Justice of the peace, and Alonso Ramirez and Gabriel de Hermosilla Sevillano, and Francisco Resquin, aldermen, do hereby certify that Juan de Escalante, by whom this copy is legalized, is in fact, notary public and of council of this city, and all deeds and acts executed before him have been and are entitled to faith and credence in court and out of court, as a true and faithfull notary, and that Juan Sanchez by whom the said copy is signed is Justice of the peace of this city and its jurisdiction for this present year. In witness whereof we gave these presents signed with our names in Santa Fé on the fourteenth day of the month of September sixteen hundred and two.—FRANCISCO MARTEL DE GUZMAN.—Alonso Ramirez.—Gabriel de Hermosilla Sevillano.—Francisco Resquin.

1588

**ACT OF FOUNDATION**

**of the City of Vera, Ordered to be Founded by Licentiate Torres de Vera y Aragon, Governor of the River Plate, in compliance with the Capitulations Made with the Governor Juan Ortiz de Zárate, his Father-in-law, etc., in the place called "de las Siete Corrientes" with its Boundaries and Lordships. (\*)**

In the name of the Most Holy Trinity, Father and Son and Holy Ghost, three persons and only one true God, and of the Most Holy Virgin Mary, His Mother, and of King Don Felipe, our master, I, Licentiate Juan de Torres de Vera y Aragon, Adelantado, Governor and Captain General and Chief Justice and High Constable of all these provinces of the River Plate by His Majesty, by virtue of the capitulations made by the Adelantado Juan Ortiz de Zárate, Knight of the Order of Santiago, my father-in-law, with His Majesty, that he would settle certain towns in these provinces, as is more amply stated on the said capitulations to which I refer, in compliance with the same, found, set and settle the city of Vera on the place called "de

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(\*) This is a translation of the original document existing in the General Archives of Indies, a copy of which, duly authenticated before the Consulate of the United States of America at Seville, forms part of group A, No. 16, of the manuscript documents of the "Argentine Evidence."



las Siete Corrientes," province of Paraná and the Tapé, with the boundaries and lordships of the cities of La Asunción, Concepción de Buena Esperanza, Santa Fé and San Salvador, Ciudad Real, Villa Rica del Espíritu Santo, San Francisco y Beaça on the coast of the northern sea, for the present and forever, as long as His Majesty will not be pleased to dispose through me otherwise in His Royal name; which part seems to be better, and a good location, where the people can live and settle, it having tilling lands, wood, fisheries, game, water, pasture for the sustenance of the said settlers and their cattle, for the preservation of the said city, with many farming lands to distribute among the settlers and neighbours, as His Majesty orders it by His Royal decrees, with the protest that if any other better location should be found, the said city may be removed under the same name, wherever it would be more convenient to the service of God, our Lord, and of His Majesty, and for the good and utility of the settlers, and that this removal shall be made with the consent and opinion of the city council; and thus, in the name of His Majesty, and by virtue of His Royal powers of Attorney which I hold, and which by their notoriety are not herein contained, I appoint Judges and Aldermen, Attorney General of the city, Mayor of the same, so that they keep it under their guard, doing justice in civil and criminal matters concerning their offices, in conformity with the charters and ordinances given by His Majesty to the cities of the Indies, and for the exercise of said charges; let them be known as appointed, as follows: Justices of the peace and of the Brotherhood, Francisco García de Acuña and Diego Ponce de Leon; Aldermen, High Constable Juan de Rojas, Martín Alonso de Velasco, Hector Rodrigo, Acencio Gonzalez, Estéban de Vallejo, Francisco de Leon, Diego Natera, Francisco Rodriguez, Pero Lopez; Sheriff, Melchor Alfonso; Attorney, Antonio de la Madriz; Majordome, Gerónimo de Ibarra; and said election being by me deemed just, it is herein established that it shall take place in a fixed date, for the present and forever, and I hereby appoint and fix the elections of the said offices to be made every year on new year's day, the outgoing officers appointing the newcomers by sworn votes, according to law, they being in their city council at the time of the election, as God may dictate in their consciences, nominating those persons who by their rightfulness and zeal they shall deem convenient to the service of God and of His Majesty, for the good government of the said city, as is done in the Kingdoms of Peru, and in all the Indies. Dated in the city of Vera. on third day of the month of April, fifteen hundred and eighty-eight years.—Licentiate Juan de Torres de Vera. By order of His Lordship, Nyculas de Villanueva, Notary Public and of the city council.

Upon which, the said Governor, personally, and before me, Nyculas de Villanueva, notary public and of the council of said city of Vera, took the oath of the said Judges, Aldermen and High Constable, Attorney and Majordome, individually, in due form in the name of God our Lord, of Saint Mary, His Mother, and by the words of the Holy Gospel, and by a sign of the cross, that they will use well and faithfully the said offices of Judges, High Constable, Attorney and Majordome, and will do justice to the parties and

will not charge too high fees, acting in everything in the manner most convenient to the service of God, our Lord, and of His Majesty, and to the good of the Republic, and at the ratification of the said oaths they all said, everyone by himself, and for what it concerns him, I do swear, and amen, promising to do so. Witnesses, General *Juan de Torres Navarrete*, Captain *Diego Gallo de Ocampo*, Field Marshal General of these provinces, and Captain *Felipe de Cáceres*, Lieutenant General resident of this city, and Licentiate JUAN DE TOTRES DE VERA.—Before me *Nyculas de Villanueva*, Notary Public and of the city council.

Whereupon the said Governor in compliance with all the aforesaid, being in accord with the said Judges and Aldermen, appointed and located the site for the church under the advocacy of Nuestra Señora del Rosario, which I, the said Notary, do testify, and that as a mark of possession they placed a cross which they all worshiped.—Witness the above-mentioned. Before me, *Nyculas de Villanueva*, Notary Public, and of the city council.

Whereupon, on the day, month and year above-named, the said Governor, together with the said Justices and Aldermen went to the middle of the square, and ordered a pole to be posted, in which to build the gallows, and the said Governor ordained that no person should remove it from the place upon which it was erected, under penalty of death, without permission of His Majesty, or of His Lordship, or any other competent Judge in the name of the said Governor, and unsheathing his sword, he dealt two blows on it saying: "In the name of the King Don Felipe, our master," and asked that thus it be placed on record. All of which I testify. Witnesses the same. Before me, *Nyculas de Villanueva*, Notary Public and of the city council.

And on the same day, month and year above-named, before me the said Notary, the said Adelantado and Governor, together with the Justices and the soldiers, going about the said city, appointed and elected as common of the said city, for all its settlers and inhabitants who came to settle it, one quarter of a league all around the city, with which the said settlement, city, church, gallows and common were founded, the said Governor promising, as he has already promised, to improve the said city, church, gallows and common and everything else, whenever there should be a better opportunity to do so, in the name of God, and of His Majesty, and requested me, the said Notary, to give him a testimony thereof, all of which I, the present Notary, testify that it so happened before me, and that I saw that it was so done and accomplished, and I protest, in the form already said, specified and declared, and that it was signed by the said Adelantado and Governor, the Justices, the council and the soldiery, the Attorney and the Majordome. Witness the above-named, Licentiate JUAN DE TORRES DE VERA Y ARAGON, *Francisco de Acuña*, *Diego Ponce de Leon*, *Juan de Rojas Martin*, *Alonso de Velasco*, *Hector Rodrigo*, *Acencio Gonzalez*, *Estéban de Vailejo*, *Francisco Leon*, *Diego Natera*, *Francisco Rodriguez*, *Pero Lopez*, *Melchor Alonso*, *Antonio de la Madriz*, *Gerónimo de Ibarra*.—Before me, *Nyculas de Villanueva*, Notary Public and of the city council.

This is a copy well and duly taken from the Acts of the establishment of

the city of Vera, which copy is exact and true, corrected and compared with the original left in my possession. Before me, in the presence of the witnesses *Juan Alvarez Rubiales*, *Blas de Venecia* and *Miguel de Rutia*, residents of this city. Made on the fifth day of the month of April, fifteen hundred and eighty-eight years. In testimony whereof I set my hand on these presents.—*Nyculas de Villanueva*, Notary Public and of the city council.

We, Justices and of the peace and of the Brotherhood of this city of Vera, who sign our names, do hereby give testimony to all those who may see these presents, that Nyculas de Villanueva, by whom this deed is signed, is a Notary Public and of the council of this city of Vera, to whose writings and acts, testified and signed by him as above, entire faith and credence is given, as a loyal and legal Notary. In testimony whereof we signed our names in the city of Vera, on April the fifth, fifteen hundred and eighty-eight.—*Francisco Garcia de Acuña*.—*Diego Ponce de Leon*.

## **JURISDICTION OF SPAIN**

### **over the Territory submitted to Arbitration. (\*)**

Alonso de Vera y Aragon, Captain General and High Justice of this city of Vera, Province of Paraná, Tapé, Uruguay, to the North Sea, San Francisco and Viaça, for His Catholic King Phillip, our Lord:

Considering that you, Francisco Ortiz de Leguisamo, are a worthy person who has served Her Majesty for more than twelve years in these Provinces of the River Plate, in all the occasions which have presented themselves, with your arms and horses at your own expense and risk and that you are one of the first discoverers of this city and you were at its foundation in company with the Adelantado Juan de Torres de Vera y Aragon, Governor, Captain General and High Justice of all these Provinces of the River Plate by grace of Her Majesty, in which city you have worked and suffered many hardships and hunger in the conquest of the natives thereof, all at your expense and risk, and with your arms and horses; in remuneration for some part of your services, I, in the name of His Majesty and by virtue of the powers which I have for it, that because of their notoriety are not herein inserted, designate for you and grant an island of woods, three leagues from this city, more or less inland, as a ranch for your cattle, with more than three hundred yards of the fields to me allowed, surrounding said city, for your houses and cattle

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(\*) The following documents, proving the jurisdiction exercised by Spain over the Territory submitted to Arbitration, is printed on pages 5, 6, 7 and 8 in the book entitled: "Collection of Facts and Documents in reference to Misiones as an integral part of the territory of the Province of Corrientes, made by the Commission appointed by the Government of the said Province." This official book, duly legalized by the Government of Corrientes, is presented with the "Argentine Evidence."

pens, the said island being named the Island of the Le. . . . opposite, on the side of the Paraná to the Island of Francisco Lopez Pardo, and on the side of this city with the Island of the undersigned notary; the said island as well as the said land above declared and apportioned. I grant to you with all its grazing grounds and waters for you and your heirs and successors so that you may sell, exchange, bargain or do with it what you may desire and deem best. And to give you title of the same he orders these letters patent to be given to you signed with my name and countersigned by the present notary public and of the Government. Dated at the city of Vera on the 23rd day of the month of August one thousand five hundred and ninety one.—ALONSO DE VERA Y ARAGON.—As ordered by your honor.—*Nicolás de Villanueva*, notary public and of the Government.

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## 1588-1593

**Distribution of Indians in "Encomiendas," practised, in  
the city of Vera Cruz de las Siete Corrientes in  
the year of its foundation 1888 and following  
to the year 1593, according to the Roll  
of the original which exists in the  
Archives of the Said city City.**

In the city of Vera, on the second day of the month of November one thousand five hundred and eighty eight : Alonso de Vera y Aragon, Captain General and High Justice of Paraná, Uruguay and Tapé to the North Sea, San Francisco and Viaça and Guayrá for the Adelantado Juan de Torres de Vera y Aragon, Governor Captain General, High Justice and Officer in all these provinces of the River Plate for His Majesty etc.: Considering that it is convenient for the service of God Our Lord and of His Majesty and for the increase, maintenance and utility of this city, and by virtue of the powers which I have for that purpose, that on account of their notoriety are not inserted herein; keeping and obeying the instructions of His Majesty; I, in the name of His Majesty, grant the towns, caciques and principals and Indians subjects thereof, with all their lands, mountains, waters, fisheries, and game for three lives, as His Majesty orders it, to the inhabitants and conquerors of the new settlements of these provinces, provided they be obliged to give them sufficient doctrine and have their residence in this city of Vera, and horses and arms for the conquest, pacification, and maintenance and for all things convenient to the service of His Majesty, and with the condition that in case any one should go away from this city within five years, without permission from the Superior Judge of the said city, or he who shall have this

"encomienda" shall loose it, and the Indians belonging to him shall remain to be apportioned to the persons serving in said vicinity and "encomienda," and I thus sign it with my name, in the presence of the undersigned Notary. Alonso de Vera y Aragon.—Passed before me *Nicolás de Villanueva*.—Notary public and of the Government.

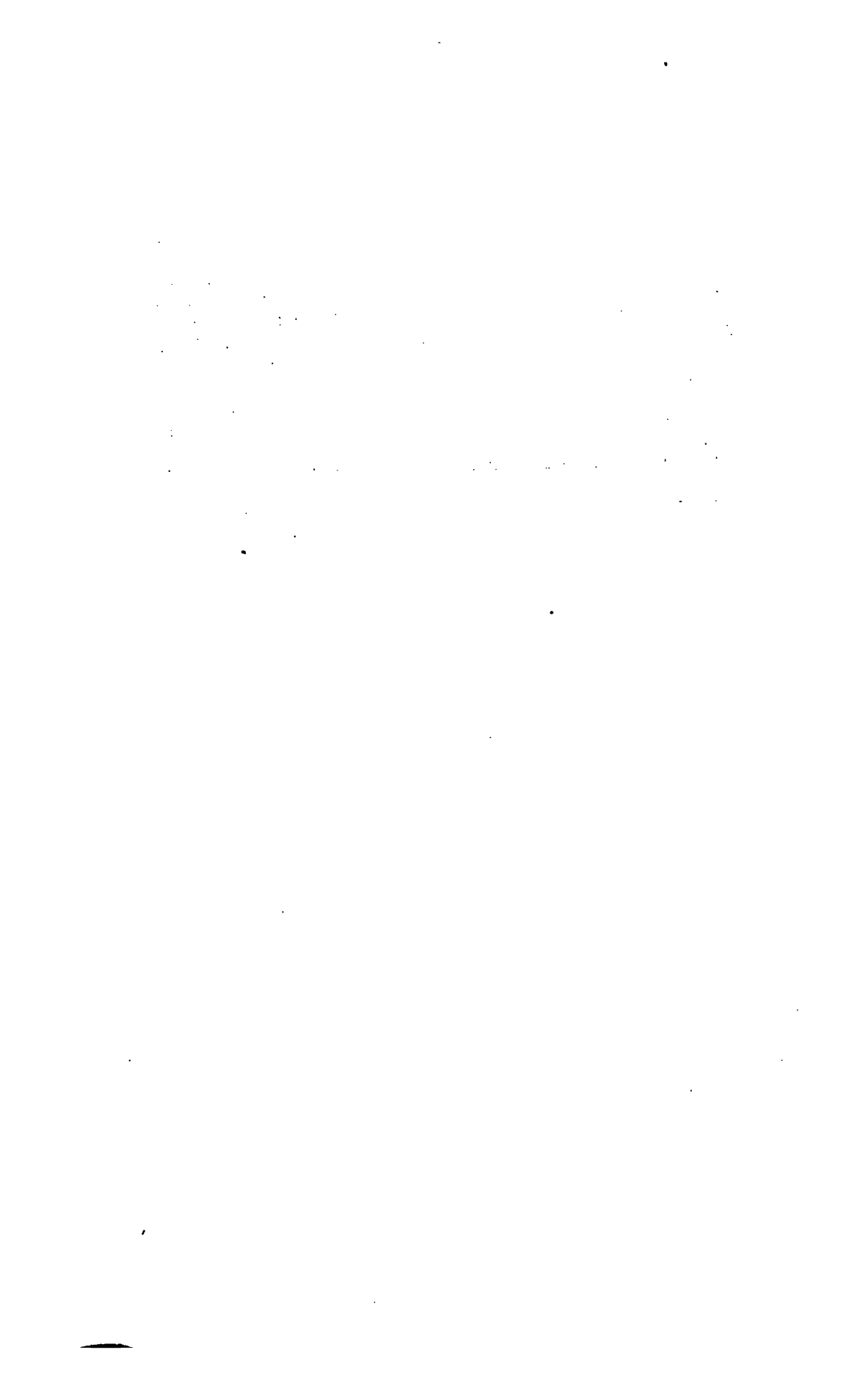
Grantees: 1588 on the 2nd of October.—Apportionments: To His Majesty: The Viquis tribe, and the nation Bayará with all the chiefs and principals which it may have and the Indians belonging thereto and remaining or subjects: with all the mountains, waters, etc. :—The Adelantado : El Tapé (\*) with all the tribes, chiefs and principals which it may have, whatever their name be, with all the Indians belonging there to.

. . . . .

(There follows a long list of apportionments.)

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(\*) By this name of "Provincia de El Tapé" was known the territory lying to the left border of the river Uruguay, where the Oriental Misiones were afterward founded.



1612

**"LA ARGENTINA."**

**History of the Discovery, Settlement, and Conquest of the  
Provinces of the River Plate, written by Rui Diaz  
de Guzman, in the year 1612. (\*)**

LIB. I. CHAPTER III.—*Description of what this territory contains.*

In the past chapter I began to describe what there is contained in the terminus and coast of that Government: in this I shall do so, as briefly as possible, of what there is at one and the other end of the River Plate, as far as the interior, wherefore it is to be supposed, that in this territory there are many provinces and settlements of Indians of various nations through which run very large rivers, all of which flow into the main stream of this of Plate, which being so large, the native Guaranis called it the *Paraná Guazú*, as I have stated: and thus I shall take as margin of this description of the same River Plate, commencing first by the sea on the right hand, as we entered it, which is the Cape of Santa María, being ten leagues distant from an island and port which they called Maldonado, all plain, leaving in sight

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(\*) The following translated chapters are taken from the history of Rui Diaz de Guzman, writer and soldier, who had a very important part, as actor and witness in the conquest of the River Plate. He gives an account of the main deeds of the first Spanish conquerors and a complete description of the territory with the one submitted to arbitration, showing also that the river Pepirí, which flows into the river Uruguay, was perfectly known by the Spaniards in the XV century. The complete work is printed in the I Vol. of the « Collection of works and documents relative to the old and modern History of the Provinces of the River Plate, with annotations and remarks by Pedro de Angelis, Buenos Ayres, 1836, » which exists in the Congressional Library, at Washington.



within the sea the Island of Lobos. This one of Maldonado is a good port and has on the main land a lagoon with a great many fish; the whole island is occupied by the Charrúas Indians of the said coast, and they are strong and large people, who live on no other thing but game and fish; they are very bold in attacking and very cruel when fighting, and then very charitable and humane with the captives; it has an easy entrance for which reason it would offer no security, if attacked by sea. Further on lies Montevideo, so called by the Portuguese, where there is a very favorable port for a settlement as it has very good soil for bread, and grass for cattle, a great deal of game of bucks, partridges and ostriches; it has, not very far from the coast, a chain of mountains that comes rounding from Brazil, and getting away from it, it continues farther inland crossing the greater part of this Government, and extending itself towards the North it is understood that it again ends by the same coast below the Bay: from here to the island of San Gabriel there are twenty leagues, leaving half way the port of Santa Lucía: the island is very small and woody and lies a little more than two leagues from the main land where there is a pretty good port, but it has not the necessary shelter for the ships that reach there. On this spot flows a very large stream, the Uruguay, which I have mentioned before, and the mouth of which is nearly three leagues wide, and within it, a small river which they called San Juan, near another of San Salvador, a very convenient port; and ten leagues farther on, one they call Rio Negro, from which, up stream, to one and the other side, there flow many more, *specially a great one which is named Pepirí, which is renowned and said to have many people who possess gold in quantities which this river brings with its fine sands.*

This Uruguay river has its source at the back of the island of Santa Catalina, and flowing towards the South separates from the lake of Los Patos towards the West, through many nations and populated lands, which they call Guayanas, Pates, Chovas, Chovaras, which are nearly all of one tongue, although up to the present time they have not seen Spaniards nor have any others entered their lands, except that which has been known about them from the Guaranis. And flowing many leagues, this river passes through a large settlement of Guaranis Indians, called Tapes, which means *city*: this is one of the best and most populated provinces of this Government, leaving aside which I shall now go up the Plate one hundred and fifty leagues in the same direction through many nations and tribes of different customs and languages, the greater part of which are not farmers, as far as Siete Corrientes, where two large rivers meet, one called Paraguay that comes from the left, the other Paraná which comes from the right: this is the principal stream which absorbs all the other rivers that come from the region of Brazil; it has a width, on the greater part of its navigation, of one league, in some two; descends three hundred leagues, until it joins this one of Paraguay, at whose mouth a city has been founded which is called San Juan de Vera, which is in Latitude twenty-eight degrees; of which and its fundation and conquest we shall speak in due place. As soon as one enters this river it is smooth and navigable, and before covering forty leagues many dry places and reefs

are discovered, where there is a lake on the left hand side of the river which is called Santa Ana, thickly settled, as far as where another great river flows in the same side which is called Iguazú, meaning Great River; it comes from the back of the Cananea and runs two hundred leagues through a great number of Indian nations, the first and taller ones of which are all Guaranis; and turning to the South it enters through the tribes which are called Chovas, Muñoz and Chiquis : a very cold country of large pines until it runs into this Paraná, on which, ascending thirty leagues there stands that strange waterfall which I understand to be the most marvelous work of nature there is, because of the fury and velocity with which the whole body of water falls into this river. . . . .

LIB. II. CHAPTER III.—*Entrance of the Adelantado through the port of Reyes, and various disagreements and events.*

The war of Tabera having ended so successfully, the Adelantado was obeyed and respected by the native Indians, though on very bad terms with the officers of His Majesty, owing to the fact that they wanted to take such an active part in the government, as to pretend that the Adelantado should do nothing without their being consulted, on the ground that such was His Majesty's command; to which the Adelantado replied, that he did not need to consult them on minor ordinary subjects, for otherwise it would amount to conferring upon them, and not upon him, the functions of Governor; all these continuous exactions were tolerated by the Adelantado with more forbearance than was becoming his own reputation, in the interest of peace, and to avoid the accomplishment of their plans. In spite of all these differences, they all agreed to make an entrance, to find out if the minerals, of which they had heard, could be discovered, and to that end the Adelantado ordered four hundred soldiers with their Captains to be in readiness. They were of those already drilled: Salazar, Francisco Ruiz and Juan de Ortega; and of the inexperienced, Ñuflo de Chaves, García Rodríguez Valenzuela, and Saavedra, and other private individuals. With this number of men the Adelantado left on four brigs, six barks, twenty rafts, and some two hundred canoes, on the thirteenth day of December, one thousand five hundred and forty one, taking with him some captives, and a number of friends, both Guaranis and of Nagases, and Yapurís nations. On this journey were the Auditor Felipe de Cáceres, Overseer Alonso Cabrera, and the Factor Pedro de Orantes. The Adelantado left his Aid-de-Camp, Domingo de Irala, at La Asunción; and going up the river the squadron arrived at the towns of Hieruquizava and others situated along that coast, until reaching the port of San Fernando, whence they proceed to that of La Candelaria, and leaving behind the lagoon Juan de Oyolas, where the Payaguás killed them under pretext of peace, as stated in the preceding book upon this subject, when the canoes being overloaded, and very far apart on that account, were suddenly attacked and all taken, almost without resistance; and thereafter they never missed the

occasion when this presented itself to commit their depredations, so that the cries of alarm and sounds of surprise were many and continuous; until the Adelantado ordered an ambush to be laid in a lagoon or overflowed ground, proper to harbour some canoes with concealed people, so as to attack them before those of the enemy which would follow the navy, as they usually did, could get back. Upon reaching the place where the ambush was laid, a squadron of canoes which followed us, was attacked by ours, which were in waiting, before they could get back and reach the shore; so that, part of them were lost, and part seized with many dead, and the rest, without a single exception, were made prisoners, as they could not resist our muskets and swords, nor the arrows of our friends. The Adelantado ordered all the Caciques and other leaders to be hanged for their mischiefs. Going further on, they touched at the towns of the Guajarapos, situated on the left side, and at those called Guatos, on the right, on the river Araguay, with which they communicated; from this region they went to recognize that land called Paraiso, where the river, divided in two arms, renders the island, of which I have already spoken, so attractive; which island having been seen by the Spaniards, they desired, in view of the affability of the natives, to settle upon the same, although nothing could be done with the Adelantado about this matter, as he had the discovery of the West in contemplation, besides some informations with regard to the riches of Peru, and he said to them: « My friends: let us go through the land, and discover what there is in it; » and in proper time we shall settle where it may best suit our purpose; let us not be carried away by the impression of first sight. » Whereupon he began to be hated by many, particularly by those who had been old residents who had some property on the land. He went on his journey through that river until reaching the port of Reyes, where after landing all the men, he gave proper orders for the entrance and left in the company of the captains, and leaving the navy in charge of his cousin Pedro de Estopiñan, he started towards the North; finding on their way many towns of Indian farmers, and every day they discovered great many people, most of them in a friendly mood, and those who did not appear to be so disposed, took the arms against the Spaniards, opposing their advance, but our men punished them with moderation. A few journeys further on, they arrived at a very large town of over eight thousand houses. At a distance of two leagues from this town, four to five thousand Indians tried to resist the passage of our men, though it was found to be a ruse to gain time and put their people in safety; and our soldiers paid them for their audacity, killing many of them, whereupon they gave up the fight, and our men reached the town, which they found without people, but all the houses filled with victuals, and all their effects consisting of many striped shawls, tiger and nutria skins and others, which our soldiers appropriated; they found many hens, ducks and certain species of little rabbits which they rear in their houses, and helped themselves abundantly. They went all over the town, and found in the principal square a horrible house, of which I will say a few words on that account. It was situated within a large palisade like circle made of good strong timber in

the form of a pyramid, covered up with palm leaves, in which they kept a monstrous snake, or serpent, of such magnitude, that all who saw it were struck with terror. It was very thick, and full of scales ; its head was very large and flat, with enormous teeth ; its eyes were small and fiery, and seemed to sparkle ; its length was twenty-five feet, and its width, in the centre, was like that of a cow ; its tail was of hard black skin partly stained with various colors ; the scale was as large as a plate, and covered with reddish eyes, all of which made it all the more horrible and repulsive, so much so, that none could look at it, whose hair did not stand on end. The soldiers began to shoot at it, and to wound it with their darts and arrows, and the snake feeling itself wounded began to move and roll, bleeding profusely ; it whistled with such ferocity that the whole structure shook and all presents were terrified. It finally succumbed, and it was ascertained that the natives of that territory worshipped the serpent, supposing it to be the incarnation of Satan, and that it spoke and answered questions. They fed it with human flesh from the prisoners of war, whom they brought to feed that monster, from which the Lord relieved them on this occasion. After having taken all the spoils found by the soldiers and civilians, the officers demanded one-fifth, claiming that it belonged to His Majesty, and they pressed their claims on the Adelantado, as they had done on other previous occasions, and without further argument nor agreement, they began to harass some of the soldiers depriving the latter, under pretext of the fifth, of all they had acquired ; they went so far as to claim one fish out of five, and also of every thing that had any value : this caused the soldiers to grow very much disgusted, and they say to the Adelantado that they would not continue any further, for the royal officers meddled in such small things, and injured them so materially, that they feared it would be still worse on more important matters. The Adelantado, in order to quiet them down, ordered the royal officers to abstain from acting in such a manner, because His Majesty was not pleased that taxation of one-fifth should be imposed upon insignificant objects, and that even if he so desired, he, the Adelantado, offered His Majesty four thousand ducats, each year, which was his own salary, in order to avoid troubles among the soldiers. This checked the ill feeling among them for the time being, though the royal officers did not seem to be satisfied, for they urged the Adelantado to return to La Asumpcion where they had to attend to business of their trade, and of the service of His Majesty, and inform him about the condition of the country. The Adelantado condescended and returned, though reluctantly, as he had not attained his object, that is to say, that discovery above-named. He went to the port where he had left the fleet, and embarked, steering down the river towards La Asumpcion, with some profit, for he brought from this trip over three thousand men able for service, which increased the population, and furnished the town with victuals and many useful things for the Spaniards. Then, the Adelantado decided to subdue the Indians Yapurús who molested the Republic with frequent assaults to the Indians of the service, and civilians, to which purpose he started with three hundred soldiers and one thousand civilians, and after being informed of their location, which was a very

comfortable place having in front the river Paraguay, and on the rear a lagoon, and only one gate where they had a bulwark built of hard timber, he went for them. The Adelantado scouted all the places, and ordered that the civilians should swim through the lagoon and take their positions, doing them all the harm they could; and the Spaniards succeeded in entering, beating the Indians without mercy, though the latter sold their lives very dearly, for they fought with courage. The Spaniards killed many of them, and took prisoners all they could. The most stubborn were killed, and the rest were brought to a place four leagues from La Asumpcion and subdued, together with other more friendly Indians called Mogolas. Thereupon, the Adelantado returned very much contented, though somewhat troubled by intermittent fever, all of which happened in 1542.

LIB. II. CHAPTER XIII.—*Of a journey made by Domingo de Irala to the province of Guayra.*

At this time, there arrived at the city of La Asumpcion certain Indian chiefs of the province of Guayra to ask the General for help against their Tupis enemies from the coast of Brazil, who insulted and injured them with deaths and thefts with the aid of the Portuguese of the said coast: they invoked their right, as vassals of His Majesty, to be attended and assisted, so that the General decided upon going personally to the said province and remedy these conflicts, and having made the necessary preparations, he formed a company of soldiers and a number of civilians, and started with his people. He passed many Indian towns of that province where they were received with much applause and good will; he reached the river Paraná, at a port situated right under that great fall, which I have mentioned before, and there the General was warmly received by the Indians who furnished him with victuals and everything else that was needed. The canoes and rafts having been brought in, he proceeded to a town of a Cacique called Guayra, whose hospitality he enjoyed. Having convened the Indians of the province, he gathered a great number of them, and by their advice and judgment, he went on up the Paraná, as far as the town of the Tupís, who very quickly took up the arms to resist him by sea and by land, with whom he had a very close encounter on a very risky passage of the river, called the Ayembí falls, and he crushed them and entered the principal town of the territory, with many killed. He had to fight his way through those lands, but very shortly he subdued the Indians. After having concluded several treaties of peace with them, they promised to stop making war to the Indians Guaranís, of that government, and not to trespass upon their grounds, as they had done before. The Adelantado sent Juan de Molina, by way of Brazil, as attorney of the province, to report to His Majesty about the state of the land, and returned with his fleet. Upon arriving at the river Piquirí he spoke to the natives and asked them if there was any possibility of going down that fall without risk and danger, until reaching a safer place for navigation; to which the Indians opposed many difficulties, through a half breed, called Hernando

Diaz. This was a youngster of bad inclinations and worse intentions who had a grudge against the General who had punished him on various other occasions for his mischiefs, so that, making a very unfaithful interpreter said to the General that the Indians assured that it was very easy to go down that river in canoes, leaving above the principal fall which was utterly unnavigable. Though the risk was great, the General ordered many canoes to be carried by land and launched just below the falls, and to tow them with cordage down the river until they could be loaded and made ready for navigation. They gathered over four hundred canoes which were carried over land by thousands of Indians to a distance of four leagues, until they were floated in a small river which flows into the Paraná. Everything useless and dangerous was left behind, and going down the stream with great difficulty, they got out of the bubbling waters, and made rafts, each composed of three canoes which were loaded with everything they carried, and they proceeded on their journey through this river escaping, as best they could, from the risks and dangers which they met at every moment, until they struck one obstacle, called the *Ocayeré*, and could not escape the danger. More than fifty rafts and as many canoes foundered with many Indians, and some of the Spaniards. They all would have perished if the General and his company not landed half a league before and who, in sight of the rafts, proceeded on foot by the rocky and stony banks of the river. The General was nearly exhausted upon that rough and deserted land where he had been left alone by the native civilians of the province.

They were compelled to leave it beating the bush and walking through the mountains, as far as the first towns. Many of the men being sick and unable to walk, the General ordered them to be put in some of the canoes that had been saved, with the best friendly Indians whom they had brought, and steer slowly down the river, under the guidance of a nobleman from Estremadura, by the name of Alonso de Encina. This accomplished his duty with such prudence and carefulness, that he got out free of injury from the greatest perils, particularly on a very risky passage of the river where the waters bubble so furiously, that there is nothing that they do not absorb and plunge down to the depth: such is the force of the water there, that a large East Indian ship, would be swallowed down just as easy as a washing tub. The Indians of that territory laid a trap to the General, trying to cast them and the canoes into this whirlpool. Alonso de Encina ordered all the Spaniards on shore with their arms, and they went with some civilians to reconnoitre the passage and the trap, which they really found. They fought the Indians so desperately, that the latter were obliged to retreat. The Spaniards proceeded on their journey very slowly, towing the raft and canoes tied one after the other until they got out of the danger, thanks to the Lord who was pleased to save them from that Caribdis and Sila. At this time they learned, from information of the Indians, that several Spanish vessels from Spain had arrived at the mouth of the River Plate.

After these mishaps and so much loss of life, the General imprisoned the

interpreter Hernando Diaz, and when he was to be hanged he happened to run away from the prison the night before the execution, and went to Brazil, where he met Captain Hernando de Trejo, and where he committed other crimes for which he was sent to a deserted island, from where he departed after many adventures.

LIB. II. CHAPTER XIV.—*How the General ordered to settle the village of Ontiveros in the Province of Paraná, and how some people left that country.*

It cannot be denied that this Province of the River Plate owes a good deal Domingo Martinez de Irála since he arrived with his fleet, both as captain and as soldier, and still more afterwards when he was elected General and leader of the Spanish conquerors who resided there, striving to the increase and utility of the Royal service, the comfort and support of his vassals, in such a manner that it can be verily said that to him is due the preservation of that country and its good products, as has been seen in the course of this history. The said General having considered that up to that date no town had been sustained at the entrance of the mouth of the River Plate, it being so necessary for vessels coming from Spain to stop there, decided to found a town on the limit of Brazil, towards the East, on the river Paraná, as it was absolutely necessary to use that road, and have communication and trade on that coast and by that way, inform His Majesty about the state of the country. It was justly convenient to do so, to avoid the great damages and assaults that the Portuguese in that the region, made upon the Indians Carios, of this province, making them prisoners, without any justification of war whatsoever, and selling them as slaves, depriving them of their freedom and keeping them in eternal bondage, wherefore, he gave Captain García Rodriguez de Vergara full power to build up the town, who taking with him sixty soldiers, and all the necessary ammunitions and stores, left la Asumpcion in the year 1554, and going on his journey with good success, he reached the river Paraná which he crossed and was welcomed on the other side by the Indians of the territory. He considered the locality a proper one to set up his foundation, he thought it convenient to make it one league above the great fall, in an Indian town called Canenduyú, who were very friendly to the Spaniards. García Rodriguez thought that place to be then the best and most suitable to his purpose, as it was upon the road of Brazil, and on account of the many native Indians residing there, though it was found afterwards, by the many damages and inconveniences met with, that it was a bad location that, where the village of Ontiveros was founded in the same year, in remembrance of the villa de Ontiveros, of which captain García Rodriguez was a native. He resided there some time until Domingo de Irala recalled him on other matters of more importance, and sent a substitute who was not received, and the powers of which he was a bearer were not acknowledged by the natives. In order to punish such contempt and defiance against the authority and reputation of the General, he sent his son-in-law, Captain Pedro de Se-

gura with fifty soldiers, who starting on his journey about the year 1556, he arrived at the river Paraná, in whose harbor he made sign to the other side, by means of blazes, asking for rafts and canoes to cross over. The Spaniards of the town hearing that Captian Segura was in the port, it was agreed by the majority of them to deny him the passage as they feared his revenge upon reaching the town for their having refused the general power. Many of the followers of captain Diego de Abreu, who were in the town, and of the mutineers who hanged around the Indian towns, came to an easy understanding among them, took up the arms, entered their canoes and went on to take an island lying on the same river, in the crossing of that passage, upon the canal of the great Fall; and remaining under arms, they warned him to return to the Asumpcion, and not to attempt to do anything, as they would not allow him to set his foot on the other side of the river, unless at the peril of their lives and honor, it being more probable that the risk was on their side since the attacked were in their homes. The leader of these mutineers was an Englishman called Nicolas Colman who though having only one hand, the left one, as he lost the right one during a scuffle, was the most stubborn and decided soldier of them all, as he proved it in this and other cases. Captain Pedro de Segura having been warned by those men, and in view of their resistance and contempt, determined to pass a night in concealment and make for this purpose some rafts and planks, to cross to the other side. While being engaged in this operation, and just on the point to start, about one hundred big strong canoes, full of Indians, came suddenly from the island and attacked the rafts, firing at them continuously. The firing was returned from the bank, killing one soldiers and a few Indians of the opposite party. Where upon the Indians retired, hooting and swearing, to the island, which lies near the canal of the principal fall corresponding to another island, at musket shot from it, and which is more than fourteen leagues long, and on this account, there is no other passage than the opening between the said two islands through the lower part, on the Fall, which is the safest one. After continuing the defense of the passage for eight consecutive days, and urged by necessity, captain Pedro de Segura returned with his company to Asumpcion, where the General heard the news of the contempt with great indignation, and decided to inflict the most severe and deserved punishment. The Indians natives of the province held at the time the General in great esteem, and there was no order given by him that was not immediately obeyed. In a very short time he built up a church in this city, now the Cathedral of the bishopric, all made of hard timber, solid walls, and covered by hard palms, they also built up other structures and town halls, which embellished that noble city, so that this republic was so enlarged, provisioned and its population so increased. There was such abundance and comfort, that it had never been so prosperous ever since. For in addition to the fertility of the soil, and the good climate, there is plenty of game, fish, fowls, etc., in that land, where Providence showered its gifts with lavish hands, as we have seen nowhere in such a profusion. Though his first intention was not to found a city in it, it has been growing with the time, and the persever-



ance of its inhabitants. It lies upon the river Paraná, to the East, on high, plain ground, and is shaded by groves, and with good fields. Its extent was formerly over one league long, by ever one mile wide, though it is now diminished. Besides the cathedral, it has a parrochial school for Spaniards, and two or three more, one for the natives which is called San Blas, and the other, Santa Lucía, to which many and plenary indulgence is conceded by the Pope. There are three convents of friars, St. Francisco, Our Lady of Mercy and Father Jesuits, and one hospital for Spaniards and natives. The plan of this city is not drawn by blocks and lots of one size, but disposed by broad and narrow streets, crossing the principal ones, as in some places of Castile. It is not entirely healthy, the effluvium from the river producing some fevers and affections of the eyes owing to the intense solar heat, though this is modified by the coolness of that large river. It abounds with fishes of all kinds, and the country, as I have said before, with deers, and other game, and wild boars. There are many *antas* of the size of cows, which are very harmless, and of good flesh; they have a small trunk and a very high cervix, which is the best part of the animal to eat; they are killed by night in their watering places, and by day in rivers and lagoons. There are also many tigers, ounces, bears and leopards which are not very carnivorous: in the bush there are a great variety of fruits, both sweet and sour, which are consumed by the natives. The country has a pleasing appearance, with its lakes and rivers, fields and woods, in which there are ostriches and partridges in great number. Finally, it abounds with everything necessary to life and the support of men. It being the first foundation made upon this country, I thought it was not amiss to treat in this chapter on its goods qualities and on account of its beings the mother of all who saw the first light in it, and whence all the population of the other cities of the said province proceed.

LIB. II. CHAPTER XV.—*His Majesty appoints Juan de Sanabria Governor of the Province.*

After the arrival of Alvaro Nuñez Cabeza de Vaca in Castile as a prisoner from this Province, and his case was examined by the Council of His Majesty, as has been said somewhere else, this government was pretended by many gentlemen; among them a nobleman from Valencia, a man of wealth, to whom the petition was granted, though Juan de Sanabria, another gentleman, resident of Trujillo asked His Majesty to confer the office on him in view of his merits and qualifications; the result being disputes, duels and passions between the aspirants, which do not concern the purpose of my history. His Majesty decided to concede the grace to Juan de Sanabria, conferring upon him the title of Adelantado of those Provinces, as others had been before him; and having been making preparations for the start from Seville, he died from disease, after having expended great part of his estate; on account of his death, his son Diego de Sanabria, inherited the right to the succession of this government according to stipulations agreed upon with his father. But having been detained at the Court on

some other business, he was prevented, by lack of time to go himself on the expedition, and ordered the same to start from the port of San Lucar. The expedition set sail in the year of one thousand five hundred and fifty two, on one vessel and two caravels, with Doña Mencia Calderon, who had been the wife of the Adelantado Juan de Sanabria, and two daughters, Doña María and Doña Mencia. Following their voyage, they reached the Canary Islands ; among the men came as Corporal Juan de Salazar de Espinosa, to whom, due to steps taken by him, on account of his having been an old servant of the Duke of Berganza, His Majesty gave him permission to return to this Province, and many other gentlemen and noblemen, such as Cristoval de Saavedra, native of Seville, son of the Postmaster of said city, Hernando de Trejo ; and Captain Bezerra with his wife and children in a vessel of his own. They pursued their trip with good luck and made for a harbor on the coast of Brazil, and thence came to the island of Santa Catalina, and to the Laguna de los Patos, at whose entrance Bezerra's vessel was lost ; and although every body was saved, they lost every thing they had. On arriving in this territory Salazar was discharged on account of differences with the Chiefmate of the fleet, and Captain Hernando de Trejo was appointed as chief. Many of the people became disgusted and went over to Brazil, Hernando de Trejo having been left accompanied by very few people. In order to draw some benefit of this landing for the service of His Majesty, they agreed to found a town upon that coast, and Hernando de Trejo gathered up all the soldiers he could, and in the year of one thousand five hundred and fifty three he founded a town called San Francisco. It is the widest and safest port on that coast. It is situated at 25°, more or less, thirty leagues from the Cananea, on the side of Brazil, and the same distance from Santa Catalina, on the side of River Plate ; it is a very bushy coast surrounded by great woods. This town was continued with Hernando de Trejo's assistance, who, by this time, had become the husband of Doña María de Sanabria, the Adelantado's daughter. By this marriage they had as issue the Most Reverend Doctor Fray Fernando de Trejo, Bishop of Tucuman, born in that Province.

The town having been set up, they informed His Majesty, who was very much pleased, as this route would be a very convenient stopping place for the conquest and settlement of that country and its trade up to Peru and other western parts. On the following year the settlers suffered many hardships and privations, and as they were unexperienced people they did not try to provide for the necessities of life, nor to look for victuals in that country, though it afforded much food in fish and game. Doña Mencia and other ladies of the expedition suffered mostly, and Hernando de Trejo, moved by their entreaties, decided to abandon the place and give up the foundation of the town ; and upon a general consent they determined to start by land in the direction of La Asuncion. Half of the expedition and the women went up the river Itabucú, and the other half through land, as far as the brow of the hills, with orders to reunite every night. They took Cabeza de Vaca's route, until one day a company of the soldiers going

through land with Captain Saavedra, separated from the others in search of grass, palmetto and other food, and having gone too far, they could not find their way back; a search being made through the woods they were all found dead from starvation near the trees and palms where they had arrived to cut and eat roots and trunks. On this occasion thirty-two soldiers perished, and those who had been left with Captain Saavedra joined those of the river, who went with Hernando de Trejo. Having left the canoes, they climbed up a high and abrupt mountain from the top of which they discovered some very extensive fields, all settled by native Indians, by whom they were received, particularly by the Cacique called Gapua. Crossing that territory, they reached the river Igazú. From there they proceeded to the river of Atibajiva, which is the Province most settled of the Guaranís, of those regions. There they rested for many days. Well provided with the needful, they continued on their journey, and going through great plains they came to an Indian town, the principal Cacique of which was called Suravañe, who gave them a friendly reception and hospitality. From there they went on towards the river Ubay to an Indian town called «Asiento de la Iglesia» (Church's seat) because Hernando de Trejo built a house for prayer where the Indians were instructed and the priests said mass; from this the name remained to this town. They went down this river in canoes and rafts to an Indian town called Aguarás, above the Roque town, where they were well received and fed, for which reason they decided to stay there longer and even to make a foundation, in the meantime informing Domingo de Irala, who had received the news by way of Brazil, that His Majesty had given him that government, of every thing that happened; a few months later, having received correspondence from the city of La Asumpcion, they proceeded in their way, and after many journeys through the country between the Paraná and Paraguay, they reached La Asumpcion where General Irala asked Hernando de Trejo the reason why the port of San Francisco had been depopulated, and not giving a satisfactory explanation, he held him in prison until His Majesty would dispose otherwise. At this time there arrived, through the river Paraná, certain people from the coast of Brazil, among them Captain Salazar, and Rui Diaz Melgarejo, married to Doña Elvira de Contreras, Captain Bezerra's daughter, whom we have mentioned before, and other noblemen, Spaniards and Portuguese, one of them being Cipion de Goes, with his brother Vicente de Goes, children of an honest gentleman of that Kingdom, called Luis de Goes. They were the first ones who introduced cows in this Province. They brought them through land for many leagues, and then through the river in rafts, each holding seven cows and one bull, in charge of a man called Gaete who arrived with them at La Asumpcion with much fatigue and difficulty. He was paid one cow for his trouble. Hence the saying in that country «*They are dearer than Gaete's cows.*» Rui Diaz Melgarejo and Salazar were well received by General Irala, without allusion to their former disputes and differences, as may have been inferred from this history.

LIB. III. CHAPTER III.—*Of the settlements which at this time were ordered by the Governor to be established, and what happened in them.*

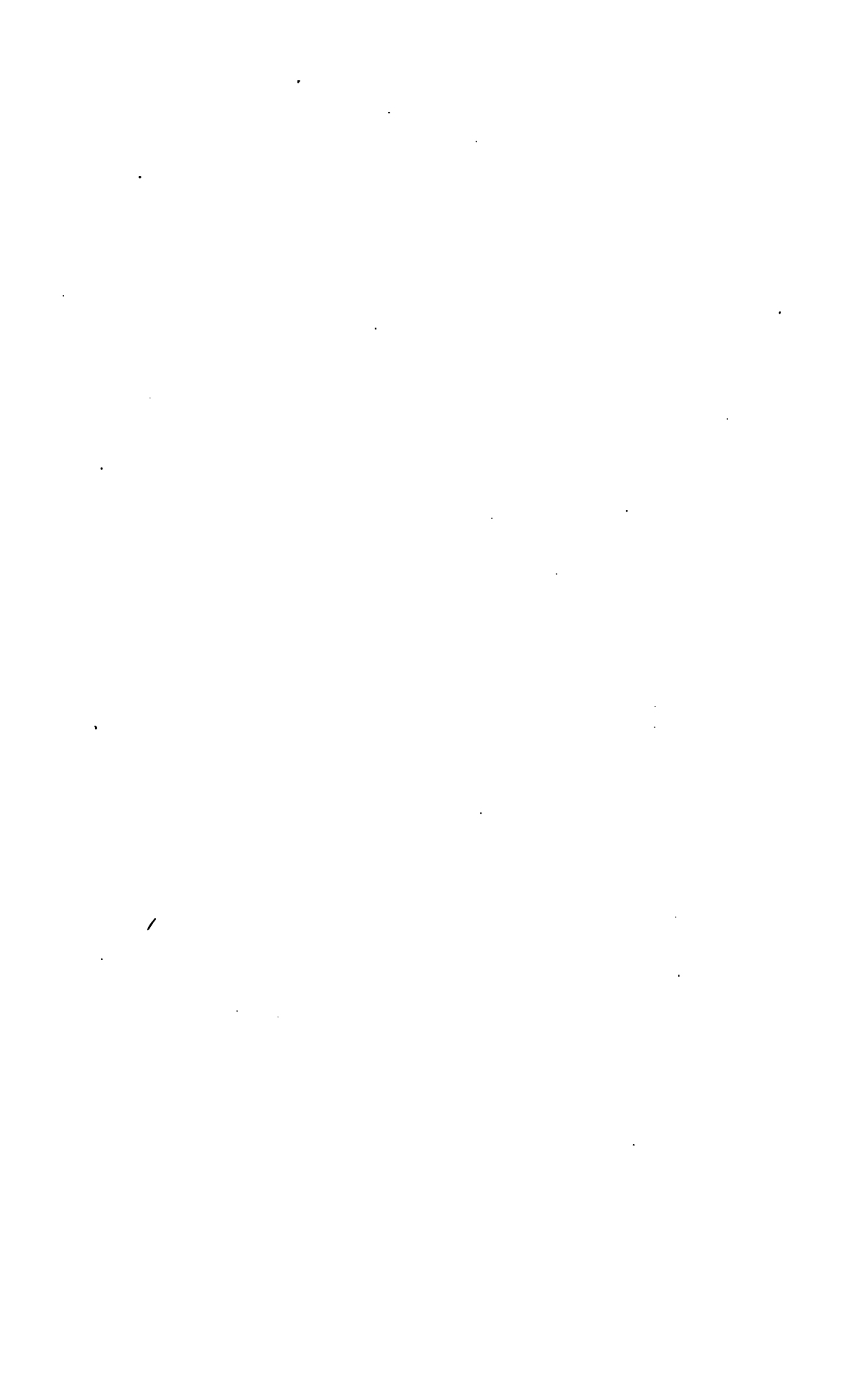
The Governor having taken into consideration the many Spanish people in the country and the little comfort they enjoyed, as they had not partaken of the distribution of Indians in that city; and having taken counsel and opinions as to what should be done in this, consulting the prelate and Royal officers and other principals, it was decided to build some dwellings where those that wished and had no shelter, might be accommodated. With this resolution he selected a settlement of the province of Guayra, as this was a station on the way to Brazil, incorporating to it the few people that had remained in the village of Ontiveros which were sent to the new settlement; the Governor commended this to the care of Captain Rui Diaz Melgarejo. It was resolved to build another in the province of the Xarayes, up the river Paraguay, three hundred leagues from La Asumpcion, as this was one of the best territories of that Government and nearer Peru, and he had heard reports of the great riches in that vicinity. To this end the Governor appointed Ñuflo de Chaves as General; the expeditions and proposed settlements being announced, many soldiers and neighbors of La Asumpcion enlisted, and being drilled and well prepared, Captain Melgarejo started with one hundred soldiers on his journey. Arriving at the port of Paraná he passed to the other side of that river to the settlements called Guayrá; and considering the location and condition of the said land, he laid the foundation three leagues above the village of Ontiveros and called it Ciudad Real, to which he added and incorporated the people of the former, as it was badly situated and too close to that dangerous waterfall. And although the spot where this foundation was laid was not very favorable, withal it was better than the other; this was done at the beginning of the year 1557. It is surrounded by thick woods and groves on the very Paraná at the mouth of the river Piquirí, of unhealthy climate, because, besides the vapors coming out from the said woods, it lies on the Tropic of Capricorn, and for this reason the sun is very strong and injurious, causing in the month of March acute fevers, heavy drowsiness and other fevers, although the natives are not much afflicted and can stand them better; and thus that river was found thickly settled by natives, this discomfort being compensated by the abundance of game and fish and all kinds of bird. Some of the people on the river emigrate during the month of March and April to other rivers that come from inland, all of which are thickly settled and of a healthier climate, as they run through higher ground. There were enrolled in this province, in all the rivers adjoining this city forty thousand «fres,» each «fire» understood to mean one Indian with his wife and children, although it usually corresponds to many more; these were commended to sixty neighbors, and during several years they remained very quiet and peacefull, and were well served and respected by all the Indians of that province. and well provided with the products of the earth such as wine, sugar, cotton, wax and cloths which they wove with their looms, so that they were considered the

most comfortable in that Government, until, in the course of time, the personal service became scarce, and the natives of the river with their continuous journeys and the trips they took, and the rough work given them, brought about a great diminution and misery to this city, as will be seen in the course of this book, with other things that happened in that country.

LIB. III. CHAPTER XI.—*Of the journey to Peru made by the Governor, and the people that he took in his company.*

When Ñuflo de Chaves arrived at La Asunción, fearing he would not be well received by the Governor on account of the old edicts they had had in the arrest of Alvaro Nuñez and for his failure to obey in his settlement the instructions given him leaving the Government of the said province, he endeavored by all manners to congratulate the Governor and other persons of importance. Thus with his good efforts he won many friends, and in especial the Bishop, who at that time had just married a niece of his, to Don Diego de Mendoza, his brother-in-law, and who, using his influence, all his demands were satisfied recommending the Governor than it behooved his honor to personally conduct that journey and start for Peru, to report to the Royal Audiencia and to the Viceroy his affairs and accession to the Government, all of which could perpetuate him with great honor. With these reasons and others of very little foundation, he was persuaded to put it into effect, making great preparations with war material, such as ships, horses, arms and ammunition. Many persons of note joined this expedition, such as the Accountant Felipe de Cáceres, the Factor Pedro de Orantes, Captain Pedro de Segura with his wife and children, Cristobal de Saavedra, Ruy Gomez Maldonado, Attorney General of the province, and other gentlemen, neighbors and conquerors, and the Bishop Don Fray Pedro Fernandez de la Torre with seven priests, clergymen and devotees, forming in all more than three hundred Spaniards; the Governor leaving as his Lieutenant in that city, Captain Juan de Ortega, and in the province of Guayrá, Alonso Riquelme de Gnzman. And on the following year, 1564, he started from La Asumpcion with all his fleets, which consisted of twenty sail and oar vessels, and as many large boats, and other craft, rafts and canoes, in which went most of the Spanish people with their servants which were more than two thousand persons, not counting many Indians of their dependencies, that went by land in charge of Captain Ñuflo de Chaves, with whom went many other soldiers, until they made the port of Guajarapos on the border of the river Aracay, province of Itatim, where they took more than three thousand natives, persuaded by the words and promises offered by Ñuflo de Chaves, through interpreters; whereupon they determined to leave their native land and go to the foreign one, making this journey in which they passed great hardships and wants, a great many of them perishing from hunger and thirst. And when these Indians arrived thirty leagues this side of Santa Cruz, they halted on a stretch of land that seemed favorable, calling it Itatin, after the name of the province whence they started and was their own. There they

settled and laid out their farms, and the Spanish people went through the same want since their start from La Asumpcion. And after all the fleet had anchored at a spot towards Santa Cruz, Ñuflo de Chaves took possession of the command and government of the same, not consenting that the Governor or any other person should meddle in the administration of peace or war, wherefore great many were discontented. For this reason the necessary order did not prevail as some remained behind with their relatives and friends and others went forward with their wives and children. In this order they arrived at Santa Cruz, where, owing to the lack of food they suffered greatly from hunger, and lost a great part of their service of the Yanacunas they carried with them. And together with this, all the dependencies and tribes of that province rebelled against the Spaniards, as far as the Samocosis, on the other side of the river Guapay, with whom Ñuflo de Chaves had heavy encounters and quarrels that cost several lives on both sides, as they were joined by the Chiriguanos their neighbors, causing harm and loss to our people and intercepting the communication and the way to Peru. To remedy this, Ñuflo de Chaves sailed forth with the purpose of pushing ahead, with fifty soldiers, leaving orders with his Lieutenant Hernando de Salazar, to immediately arrest Francisco de Vergara and other of his friends and take away their weapons so that none should be able to go to Peru until he returned. And the Lieutenant executed this, and the request and protests made in this case were of no avail. And thus, Francisco de Vergara and others, gave orders to send despatches to Peru and report this grievance to the Royal Audiencia; for this trip, García Mosquera, a plucky youth, son of Captain Rui García, who has been and is a great servant of His Majesty, and to-day lives in that Kingdom, offered himself. On his arrival at the city of La Plata, he advised the Royal Audiencia of what was occurring, and with this knowledge, orders were sent not to hold them in that country, but to set them free to go to their affairs in Peru, and although this order was given and convoyed, it was not obeyed, because Hernando de Salazar, out of mischief, put difficulties in the way, not allowing the departure of all that wanted, wherefore it became necessary to fight for it. And starting on the journey, sixty soldiers gathered, some with their wives and children, and took the way of the plains of Manso, so as not to meet Ñuflo de Chaves, who they had heard was returning from Peru by the hill which is called the Cuchilla, thus avoiding any trouble with one another, as according to information, Ñuflo had accomplished his purpose quite well with Governor Lope García de Castro. It was, therefore, very wise to avoid him, although running the risk of encountering the Chiriguanos Indians who attacked them often, intercepting the way they were following: here they killed a friar of Nuestra Señora de las Mercedes and other Spaniards, out of which dangers it pleased Our Lord to spare them, arriving safely at that kingdom, which they entered by the frontier of Tomina by the road called Cuzcotoro, which is to-day very much trodden by the Chiriguanos that go back and forth,



1588-1593

**TITLE AND COMMISSION**

**in favor of Rui Diaz de Guzman, granted by the Lieutenant  
Governor Alonso de Vera y Aragón, by virtue of  
power of attorney given him by the Governor  
of the River Plate, Licentiate Juan de Vera  
y Aragón, for the conquest of the Province  
of los Miaras on the Paraná. (\*)**

In the section of the Patronage, Est 1.º—Drawer 6.º—Parcel 52-16—are found the proofs of the merits and services rendered by Captain Rui Diaz de Guzman, in which, in pages 176 to 201, appear the following documents:

Captain Alonso de Vera y Aragon, Lieutenant-Governor and Chief Justice in these provinces, and Captain General of the provinces of los Miaras, by the Governor-Licentiate Joan de Torres de Vera y Aragón, Governor Captain General, Chief Justice, and High Constable in all these said provinces and government of the River Plate by His Majesty, by virtue of the authority given and granted to me by the said Governor, the tenor of which is as follows:

Licentiate Juan de Torres de Vera y Aragón, Adelantado, Governor and Captain General and Chief Justice in all these provinces of the River Plate by His Majesty etc. Whereas you, Captain Alonso de Vera y Aragón, have served His Majesty for the last twenty two years, both on the Kingdoms

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(\*) These are translations of the original documents existing in the General Archives of Indies, copies of which, duly authenticated by the United States Consul at Seville, form part of group A, No. 17 of the manuscript documents of the "Argentine Evidence."



of Chili and in this Government upon all the occasions that have presented themselves upon the said Kingdom, and in this Government as well, having been at the support of the city of La Asumpción, and in the skirmishes and encounters which were of daily occurrence, and made war in the limits of the said city and its surroundings, in the company of General Rodrigo de Quiroga and Major General Alonso de Alvarado on the Kingdoms of Chili; and you distinguished yourself upon all occasions as a good soldier; and have for the last eleven years been a faithful servant of His Majesty on all occasions in these provinces, for you were at the foundation and support of the city of La Trinidad de Buenos Ayres, where you had many encounters with the Indians of those lands, among others when you made a certain incursion with a few followers, and were outnumbered and attacked by the Indians, so that having been left alone upon one side of a river you were surrounded by a great number of Indians, and fighting like a brave soldier you killed six of them with your own hands, they being those who had slain Don Diego de Mendoza, as they said themselves while fighting; and you were likewise present at the foundation of the city of La Concepcion de Buena Esperanza, and came to meet me upon knowing that I was coming to this city of Nuestra Señora de Talavera de Estero, and after arriving at the city of La Asumpción you offered battle to the rebellious Guaicurús, with ninety five men headed by you, achieving by your discipline and good judgment a signal victory; making a great slaughter among them, following them during four or six days through waste lands with no other nourishment but water, for you and your men; and for the pleasure I felt at your behavior I called you into my presence from the Kingdoms of Peru, and entrusted you with the journey of Plaza and Puerto de San Francisco and province of Campo, of which I appointed you General and which appointment, owing to some differences with the Royal officers of the said city of La Asumpción you did not accept, and spent heavy sums of gold dollars in gathering up men in Peru as well as in the provinces of Tucuman and these; and for the same confidence I place in your person, having to leave this government for the Kingdoms of Castile, you were begged by the Council of the city of La Asumpción to place yourself at the head of the government, and the Royal Audiencia of La Plata having decreed that no relative of mine should be made a judge, the same Council applied for a revocation of the said decree, and asked me that no other should be made Captain but the one already appointed; at their request, and by petition of Captain Joan Cabrera, in behalf of the Council, duly deputed for this purpose I condescended for the convenience of the service of His Majesty. Therefore, and knowing that the people of Ciudad Real have actually passed to the river Igatimi two journeys from Terecam against my orders, under pretext of taking possession of the province of los Miaras; as well as those of the town of Espiritu Santo who act under the same pretense, and in order to save them from total ruination, I appoint you General of those provinces with authority to occupy towns and cities, and settle the same wherever you deem it convenient to the service of God Our Lord, and His Majesty; and apportion the Indians among those persons whom you think worthy, excluding those who

may have invaded the said provinces, as they have been mere intruders against my will and expressed command; and that the said meritorious persons may retain the Indians during the three lives accorded by His Majesty to the new towns which may be built up in these provinces; and also to grant groundplots, farms and lots as you may see fit, for by, virtue of the powers with which you are invested to proceed at your discretion in the said provinces of los Miaras, as Lieutenant-General and Captain of His Majesty, I give you full authority, and transfer to you, to the ends aforesaid, all the powers of Attorney granted me by His Majesty, and which being so well known are not herein contained. In witness whereof I caused these presents to be given at the city of Santa Fé on the third day of May fifteen-hundred and eighty-eight.—Licentiate *Joan de Torres de Vera*: by order of his Lordship, *Diego Sanchez*, Notary Public and of the Government.

Now therefore, by virtue of the said powers of Attorney and commission herein contained, I, the aforesaid Captain Alonso de Vera y Aragón, for the good of the service of His Majesty, having trust in you, Captain Rui Diaz de Guzman, Lieutenant Governor in the provinces of Guaira, and in your qualifications, merits and services which you have rendered to His Majesty, and which, being so notorious, and for brevity's sake, are not herein mentioned, do hereby give you a commission, power and authority to enter in the said provinces of Los Miaras, and acting in my name and in that of the said Adelantado to take possession of the same and do all that I would do myself, and that which you may think feasible to the service of His Majesty, and make use of the power of Attorney herein contained, in full, to which end I assign and transfer the said power of Attorney as it was granted me, in consideration of my great faith in you, as a nobleman, illustrious and true servant of His Majesty, that you will perform your duties in the said provinces to the benefit of His Royal Service. In testimony whereof I gave these presents, signed with my name and acknowledged by the undersigned notary, dated at the city of La Asumpcion on the nineteenth day of December of the year of the Lord, fifteen hundred and eighty eight.—ALONSO DE VERA Y ARAGON.—By order of the said Lieutenant Governor, *Diego Gonzalez*, Notary Public.

I, Garci Vanegas, Superior Notary of the Government of these provinces of the River Plate, abstracted this transfer of this commission from its original and corrected and compared it, after which it remains in possession of Gerónimo Lopez, Attorney of the city of Xerez. It is true and authentic, there being present witnesses, Captain *Diego Ponce de León*, Captain *Diego Añusco* and Captain *Pedro Hurtado*; and in witness whereof and to make it known wherever convenient, I set my usual signature in these presents at the city of La Asumpcion, on the eleventh day of the month of March, fifteen hundred and ninety-nine.—*Garci Vanegas*, Notary public and of the Government.

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1593

**Taking of possession of the said Territories and settlement of San Salvador, and foundation of the City of Santiago de Xerez.**

*In nomine domine, Amen!* : On the river San Salvador, called de Muñey, (\*) and on the settlement of the Real de Santa Cruz, in the eleventh day of the month of February of the year of Our Salvation, fifteen-hundred and ninety-three, in the sixth indiction, upon the occasion of the arrival of Captain Rui Diaz de Guzman, Lieutenant-Governor, and Chief Justice of the provinces of Paraná, and Captain General of the provinces of los Miaras, by virtue of the powers emanated from the King, our Master; and of Licentiate Joan de Torres de Vera y Aragón, Adelantado Governor of the provinces of the River Plate, given on His Royal name to General Alonso de Vera y Aragón, relating to the settlement and government of these provinces of los Miaras, by the said Captain General Alonso de Vera y Aragón, assigned and transferred with authority of free and general administration, to the said Captain Rui Diaz de Guzman, with the aid of the soldiers which according to the possibilities and conditions of the country, and of the native Indians may be sufficient; he said before me the undersigned Notary: that whereas it is for the convenience of the service of God Our Lord, and of His Royal Majesty our King and natural Master Don Felipe; and to the propagation and exaltation of the Holy Church, Our Mother, and to the conversion of the natives to the Holy Faith and to the conception of God, Our Lord, particularly so, having been repeatedly requested by Mateo Joan Lares, Diego and Gonzalo, Manuel and Francisco, principal caciques of these said provinces, and friends, to build up the said town; and having conferred and discussed the matter with the Council of this Ciudad Real, by their request and demand, and at the solicitation of Bachelor Rafael de Castro, Judge and general visitor of these said provinces on behalf of the Church, he having been invited by the said caciques to preach the Gospel and convert them; for all the above-named reasons it is reasonable to do so by the way of church and justice. So that in this said settlement, taking the part for the whole, it implies action, right and possession of all these said provinces of los Miaras and adjacent territories of the Cutaguas, Cuminac and others in the name of the King, our master, Don Felipe, with a deliberated intent to bring all the said tribes into the service and conception of God, Our Lord, and into the servitude and Royal submission by all the means and manners most in conformity with his

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(\*) Muñey, a river which flows into the Paraná river, opposite Iguazú river, named on some maps Monday, and springing from the province of Xerez, of River Plate. On Arrow-smith's large map, it is called *Money*. The guarani word *muñey* is composed of *mu*, spit, and *ñey*, fetid: a fetid foam throwing river.

Royal service. And in testimony of the said possession, he received the caciques Diego and Martin, with their Indians, promising to defend, assist and support them in peace and justice, as vassals of His Majesty; and he set his Royal camp upon this said settlement, felling trees, clearing the ground, as an indication of the said possession; and the said native Indians, with great joy and general applause, submitted themselves to the servitude and submission offering their persons and victuals to said effect, and protested obedience and fidelity, all of which did really take place as stated, upon this said treaty, on the day, month and year above-named, in the presence of the witnesses: Captain, *Bernabé de Contreras*.—Captain, *Pedro Hurtado*.—Captain, *Jerónimo López* and *Joan de Guzman*, Standard Bearer, and the said visitor and all the rest of the camp, and the said Caciques, all known to me, the undersigned Notary, which treaty was signed by the said General RUI DIAZ DE GUZMAN.—Before me, *Bartolomé García*, Notary Public and of the Government.

And after, the said Monday, the first day of the month of March, fifteen hundred and ninety-three, Captain Rui Diaz de Guzman, Lieutenant Governor, Chief Justice in the provinces of Paraná and substitute Captain General of these provinces of the Indians Miaras, went through the country on certain purposes which were necessary to the pacification of the same, before me the undersigned notary and witnesses above named, and having reached a high range of mountains which divide the plains of this country, to which it owes the name Miaras, the land and abode of the Guaranis, on the other side of the said ridge of mountains, about twenty-five leagues distant from the river Muñey, upon which the fort Santa Maria is now situated, a land well cultivated and owned by native Indians of these said provinces, their principal caciques being Perico, Miguel, Juan, Andres and Pitiendi Intanmubre and others who are not mentioned; the said General, complying with the formalities and proceedings required by law, said, that by virtue of the powers vested in him, and in the way and manner most in conformity with the law, he fixed the limits and landmarks of the district and jurisdiction of these said provinces in the said ridge of mountains, in the name of the King, our Master, solemnly protesting to do everything possible towards the conversion of the natives, to maintain the country roads and to attract by all possibly best means, the native Indians of these said provinces, to quiet them down and pacify them, and keep them in peace and justice as good loyal vassals of the King, our Master, in whose name and voice he is acting, of all of which he asked me, the said notary, to give faith and testimony in public form, as a matter of record at all times, for the preservation of his judicial right; and I, Bartolomé García, notary public and of the government of these districts, was present with the following witnesses: Captain *Gerónimo López*, Captain *Pedro Hurtado*, and Standard Bearer *Juan de Guzman* and sergeant *Diego de Teva* and the rest of all the camp and army which the said General brought along with him, and how it all so happened in public act without any contradiction, of all of which I give faith and true testimony to all who may see these presents, as a present and future evidence. Made in the day, month

and year above named. In testimony of truth.—*Bartolomé García*, Notary Public of the Government, and of Council,

In the fort and settlement called of Santo Matías Riberas y River Muñey, which runs towards Paraná river through these provinces of the Miaras Indians, and newly called River of Señor San Salvador. On Thursday eighteenth day of March of the said year of the Lord fifteen hundred and ninety-three, General Rui Díaz de Guzman having gone through a large portion of these lands, both high and low; plains and woods, of these provinces, with a good number of friendly Indians, seeing everywhere the good disposition and greatness of the country, its length and breadth, and great facilities for the foundation of cities and villages; hearing that the nations of the provinces and adjacent regions live upon the plentiful production of victuals and provisions of their fruitful soil, and at small cost, the said Indians being mostly planters; considering that there are good conditions in those Indians to bring them into the true Catholic Faith by their affability, and into the servitude and submission of the King, our Master, for their docility and simple, not barbarous habits; and in the land for the breeding of all kinds of cattle which in the provinces of Paraná are very scarce, the soil having no facilities for it; besides the land is healthy and has good air, and habitable all over, it being so disposed that ever island or wood has rich navigable rivers, game and fish, which are useful to man, and convenient to the trade and communication, not only of this government of the River Plate, but of the Brazilian coast, Santa Cruz de la Sierra, and the Kingdoms of Peru into which there may be an easy access later on, with God's will, and finally, seeing the abundance of iron metals, and hearing that in the mountains called del Tacuais, which divide these plains, there is and will be silver, so that these advantages well considered and looked into, such as the soil that brings them forth, and upon consideration and consultation with persons who mostly feel and appreciate their good judgment to the honor and glory of God Our Lord and of his Holy Church and Catholic Faith of the Crown of our most excellent King and Master Don Felipe, whose life may God spare many years, and of the Kingdoms of Spain, and in memory of the fathers of the soldiers who took part in this enterprise with the said General, born and created in the same, contracted the obligation, in view of a debt to the mother country, and specially for the convenience and similarity of these provinces with Andalucía; the said General agreed to name these provinces Nueva Andalucía, and did so order, and beating the drum called the whole camp together and said:

I, Rui Díaz de Guzman, by virtue of the powers I hold from the General of these provinces, in the name of the King Don Felipe, our master, do hereby entitle and name these provinces of Los Miaras La Nueva Andalucía, and to this title and nomination I affix my authority and judicial decree with the strength and guarantee that may be required by law, and I command that hereafter all judicial or extrajudicial acts and instruments be made under such name and none other. Said nomination was warmly applauded and celebrated with joy *ad perpetuam rei memoriam* at all of which I, Bartolomé García, Notary Public and of the jurisdiction and district of the government

and provinces of the said General was present with the said General and witnesses, which I testify so that it may be known by all who may see these presents at any time and place ; to which end he ordered me the said Notary, to make it public, not only on this settlement and camp, but in all the towns within the jurisdiction, so that it may be known to all; and that nobody may allege ignorance, he signed by his name before witnesses, Captain *Jerónimo Lopez*, Captain *Pedro Hurtado*, Captain *Bernabé Contreras*, Justice *Andrés Díaz*, and Ensign *Juan de Guzman*, and the other soldiers.—RUI DIAZ DE GUZMAN. Before me, *Bartolomé Garcia*, Notary Public and of the Government and of the Council.

The above title and appointment was read and published this Sunday the twenty-first day of March of the year fifteen hundred and ninety-three, in presence of the soldiers of this camp and army who unanimously and joyfully approved the same ; witnesse, Captain *Pedro Hurtado*, Justice *Andrés Díaz* and *Juan de Guzman*, Ensign, and others, to which I, the present Notary of the Government, Council and province, do testify. *Bartolomé Garcia*, Notary Public of the Government and provinces.

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In the name of God Almighty, and of the Glorious Queen of Los Angeles, Ever Virgin Mary of the Anunciation, whom I, Rui Díaz de Guzman, in the name of the army under my charge, take for my particular advocate : Whereas, by virtue of the power of the Adelantado Juan de Torres de Vera y Aragón, Governor of these provinces and government of the River Plate, by His Majesty, I came to the provinces of Paraná as Captain, or his Lieutenant Governor, and upon my arrival, having heard that the side upon which the said Ciudad Real was located, was sterile and of bad airs, and, consequently, sickly ; and that in a short time more than one half of the Spanish settlers and most of the native Indians at their service had died, and sudden accidents caused by steady fogginess and corrupt air, and particularly from starvation caused by the barrenness of the soil ; and considering that the stay in such a place would only lead to death and extermination for those remaining there, to the injury of the said provinces and decrease of the subjects of the King, our master, and therefore, to the detriment of his service ; upon consultation with the Council of the said city, who, fearing a miserable death, begged me earnestly to remedy the said inconveniences by removing the city to some more appropriate place ; which I did with their approval, removing the said city to the site where it now stands, in the mouth of River Piquiri which is a fertile land and of nobler climate, and which really prevented total ruination ; and having also in the same year ninety-three gone up to Villa Rica del Espíritu Santo, I was informed by the inhabitants of Villa Rica of the calamity, labors, and poverty they were suffering owing to the frost which prevented the seeds from yielding good crops, causing starvation, and lack of clothing, there being no cotton in the settlement called Coracibera, most particularly because the Indians of the encomiendas of the said settle-

ment lived far apart and could not, on one hand, come down to assist their masters, owing to the great danger of drowning in crossing the river, and of being attacked by other unfriendly Indians upon the roads, which were uninhabited and solitary, in detriment of the service of His Majesty ; and, on the other hand, the encomenderos could not discharge the Royal conscience and their own by establishing Christian discipline among the people ; and many other inconveniences which the said city made me acquainted with, of which a general report was made, and to which I refer ; and having been many times in their Council, and on the camp of the city, they asked me earnestly and with solemn protestations to remedy so many evils by removing the said town to the River Ubay, a very convenient and appropriate place on account of its proximity to the settlements and districts of Indians, and for being fruitful of victuals, cotton trees, canefields, vines, game, fisheries, said river being of easier navigation for the trade of Ciudad Real than River Pepirí ; by which Ciudad Real communicated with said Villa Rica ; and being in the said settlement of Coracibera, as I said above, I, upon agreement and mature deliberation, removed the said Villa Rica to the said River Ubay, as requested, on the site where it now stands, which is the mouth of River Cornibatay, where the desired effect has been attained with success, remedying the hunger, poverty and nudity which the said town suffered, and improving the situation in reference to Christian policy among the natives ; and having spent over two years in the removal of the foundations and buildings and churches in the said town, when the object was attained, I left it well provided with every thing necessary to its support ; and went down to Ciudad Real, which I found to be in great need, being afflicted with the plague of small-pox since the previous year ninety-two, when the few available hands that had been left from the settlement Lamanby had nearly all perished, for which reason many of the settlers had abandoned the place ; and having heard that the said Ciudad Real, of which I, Captain Ruiz Díaz de Guzman, have possession and transfer through the powers of Attorney from the General of these provinces of Los Miaras, now Nueva Andalucía, to settle and found cities, towns and places by the publication made of the said power of Attorney in Villa Rica, begged and asked and earnestly requested me that inasmuch as Mateo, Juan, Faril, Entagui, Mazani, Manuel, Sebastian, principal Caciques of these provinces who had come to see me, for they were sincere and gave themselves up for vassals of His Majesty, begged that I should come to these provinces and found one or two towns, as I would think best, to which end they offered their persons, victuals and lands ; and the city having asked me to condescend to the request of the said Caciques, because it would result to the advantage of the said city, for besides helping many soldiers and poor residents of the same, it would also alleviate other sufferings, owing to the great scarcity of salt and all kinds of cattle ; and they expected that from the intercourse between these provinces a great relief could be looked for. Besides, Father Bachelor Rafael de Castro, General Visitor of these provinces, informed me that said Caciques might be converted and baptized, and he requested me to give my consent and offered himself to aid.

In view of the preceding causes, and considering the same, I decided to come over to these provinces, and see them, and do what I thought most convenient to the service of God, our Lord, and of His Majesty, and to the common good and utility. Upon reaching them by the River San Salvador, in the port of Santa Cruz, I took possession of these provinces in the name of the King, our master, and having made certain incursions to punish some rebellious Indians who, with treason and scorn to the Royal justice, attacked our friends, to which end, as soon as I reached the ridge of mountains, which distinguish the plains of these said provinces from the country of the Indians Guarani, I fixed the boundaries and landmarks on the terminus and jurisdiction of these said provinces in the said ridge of mountain, and after considering the condition of this country, I named it La Nueva Andalucía, as is more amply stated upon the acts and proceedings with regard to the boundaries and landmarks, title and appointment of these said provinces, made before the present Notary, to which I refer. All of which having been done, and being satisfied of the good qualities and conditions of the said country, with a view and desire to render service to God our Lord, for the conversion of the natives, and to the Majesty of the King Don Felipe, our master, and to see the aggrandizement of His Royal Crown and patrimony, in His Royal name, and by virtue of the powers to me given, granted and transferred by the General Alonso de Vera y Aragon, who received from the said Adelantado and Governor the title of General Chief Justice and founder of these said provinces, I have deemed it convenient to found a city on the site most appropriate; and having looked into it carefully and extensively, I have thought the best place to be that upon which we now are, on the shores of the said River San Salvador, half a league distant from the port of Santo Matías, in a territory of native Indians of these provinces, a quiet, plain site and free from marshes, with rich vegetation and fields for cattle; and finally, possessing every convenience for new population, so that I select, point out and assign this present place for the permanent seat of the city which I have founded in the name of His Majesty, so that it shall be inhabited for ever, and I do promise and protest that this said city, which I entitle and name Santiago de Xeres, shall be maintained in peace and justice for all its residents and, as a matter of course, for the native Indians of these said provinces, trying to bring them into the Faith, and convert them into the pale of our Holy Church, Roman Catholic; and as an evidence that I shall fulfil this promise, I appoint these lands and the Indians, inhabitants of the same, as public grants, to the conquering settlers and those deserving of rewards; I also appoint this place and the tree erected thereon, and this unsheathed sword, signifying gallows and knife, as instruments with which shall be punished the criminals, transgressors of the laws of His Majesty; and I impose and promulgate death penalty unto those who shall leave the city until the whole country shall be conquered, the roads levelled and safe. On the same place *ad perpetuam rei memoriam* I cut this branch, and have the trees cleared away, scrape the ground, to perpetuate this foundation. Soldiers, noblemen, and fellows, this is done in the name of our King and natural master Don Felipe of Austria, whose life our



Lord may spare many years : if there is anyone among all here present, who will contradict me this foundation and settlement of this city of Santiago de Xeres, let him say so at once and in due form, with the assurance that I am ready to plead justice, and to respond and convince before the law. Notary, here present, place it on record, and give me a testimony thereof in public form, so that it may have faith within and without the law, that every thing that you have heard and seen before you, has happened, and that I command you and all the other Notaries and all the settlers and residents of this said city of Santiago de Xeres, to so name it in all your judicial and extrajudicial writings, and in no other way, under a penalty of five hundred gold dollars, to be applied to expenses of war and justice of this said conquest, to the payment of which I condemn all those who shall do the contrary. Give me also testimony of this my true profession and protestation, as a constant evidence of my fidelity, in support of my rights.—RUI DIAZ DE GUZMAN.

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Bartolomé Garcia, Notary Public of the government and province of the districts and jurisdiction of the said General Rui Diaz de Guzman, at his request and command, does hereby testify, by public instrument to all who may see these presents, that this Wednesday, twenty-fourth day of March, in the sixth indiction, year ninety-three, being on this site which he has appointed for the city, which he founds in the name of His Majesty, Santiago de Xeres, having summoned by beating of drums the whole camp and officers of war to the center of the common square, holding in his right hand the staff of Lord Chief Justice, with the badge of Captain of war, he pronounced *verbo ad verbum* the whole relation, profession, protestation, deliberation, foundation and appointment of city before stated, and referring to the lands and natives of these provinces, promised in his capacity of judge in the name of His Majesty, and founder having the privileges of such founders, and pledged his word as a nobleman, to reward the conquerors and worthy settlers with the said lands and Indians as from the property of the Crown; and having caused a post to be erected on the said common square, he pointed with his sword at the gallows and knife, protesting that he would punish the criminals and other transgressors of the laws and privileges by which the vassals of His Majesty the King our master, are judged, and to maintain all Spaniards and natives in peace and justice, whereupon he cut with the same sword a branch from a tree and ordered the grounds to be cleared, and he condemned to death all who, out of disdain and without his orders, should desert the said city; and asked if there was anybody who prompted by some particular motive, would oppose the said settlement and foundation; and there being no contradiction, tacitly nor expressly, from any one, he sheathed his sword, and commanded me, the present Notary, and all other notaries that would be, and all the settlers and inhabitants of this said city, to entitle and name it Santiago de Xeres under penalty of a fine of five hun-

dred gold dollars for justice and war expenses of this conquest. This happened in the presence of the public and the Council, the especial witnesses being Ensign *Juan de Guzman*, Sergeant *Diego de Teva*, Captain *Pedro Hurtado de Mendoza* and *Andrés Diaz*, Mayor: which I hereby certify, and in testimony whereof I sign these presents in my usual way, *Bartolomé Garcia*, Notary Public of the Government and the provinces,

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On the same day, month and year above named, in the said city of Santiago de Xeres, the said General said that, inasmuch as he is obliged by right to appoint the council and government of this said city, so that steps shall be taken to proceed as it may be more convenient to the service of God Our Lord and of His Majesty, to the good and benefit of this said city, for its maintenance and perpetual standing, he deputed and appointed as Mayor, Captain Pedro Hurtado de Mendoza, a person of good counsel and a republican, to help him in appointing a second Alderman, and in company of the two, to appoint a third Alderman, and in this way to complete the council with the fourth Alderman, in order that in the election and appointment of Justices of the peace, the form of voting ordered by His Majesty in the Government of River Plate shall be complied with, which was done by the said General and the said Captain Pedro Hurtado, appointing Domingo Machado, and the three above named appointed Juan de Albear de Zúñiga, all voting conjointly for the fourth Alderman in favor of Francisco de Escobar, and all together, and individually, were sworn to in due form by the said General Rui Diaz de Guzman; and they by virtue of their oath promised to use and exercise the functions of their offices well and legally in everything that may be more convenient to the support and increase and good government of this city, and to elect and appoint Justices of the peace those who according to God and their conscience may be convenient for the purpose, whereupon, casting the votes simply and without fraud in a vessel, in order to draw the first and second votes for Justices, he called a boy of about twelve years of age, who stirring the said votes, six in all, he drew the first in favor of Captain Bernabé de Contreras, the second was a paper of equal size upon which was written Andres Diaz, and by absence of the Captain Contreras, for a short time, he having been sent by the said General on a certain incursion in his stead, his place of Justice was given to Captain Pedro Hurtado, the Alderman first elected, and the said Andres Diaz having been apprised of his election and appointment said, that he accepted it, and did accept the office of Justice of the peace and the brotherhood, and both were sworn in by the said General and Council, and swore in legal form to use and exercise well and loyally the functions of their offices, doing justice to the parties on trial, according to the laws and privileges of His Majesty, *justa allegatu probata*, and in case of emergency to take counsel from persons of learning and conscience. All of them signed their names before me the said Notary, which I testify.—  
RUI DIAZ DE GUZMAN, *Pedro Hurtado*, *Andres Diaz*, *Domingo Machodo*, *Juan*

*de Albear de Zúñiga, Francisco de Escobar.* Before me, *Bartolomé García*,  
Notary Public of the government and council.

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Whereupon on the said day, month and year above-named, in the said Council they said that inasmuch as this newly founded city is required to have a capable Attorney to procure, ask and plead every thing convenient to the increase, profit and benefit of the same, and to appear before any Court or Courts of His Majesty, or before his Chanceries or Royal Council of Indies, to petition and pray His Majesty in the name of this city for favors, grants, liberties and franchises, they summoned to appear before the said Council Francisco Morinigo, and appointed him for the said office, which he did accept, and was sworn in due form. He promised to use the said office of Attorney of this said city carefully and well, and to proceed under the instructions of this said Council, and to appear before the Courts of His Majesty and the High Council of Indies, and to do every thing that loyalty and the duties of his office should require. Thereupon, having been elected by the said Council, and the election accepted by the said Francisco Morinigo, the said General, in view of the power, privilege, authority and liberty which the King, our Master, grants to the said settlers of new towns, such as His Excellency has founded in the name of His Majesty, he ratified the said appointment of Attorney in favor of Francisco Morinigo, investing him, as well as those who may succeed him in the said office, with the right of word and voting in Council, and the enjoyment of the said liberties and franchises granted to the Aldermen of this said city. They all signed these presents individually before me, the said Notary, which I certify.—RUI DIAZ DE GUZMAN.—*Pedro Hurtado.*—*Andrés Díaz.*—*Domingo Machado.*—*Juan de Albear de Zúñiga.*—*Francisco de Escobar.*—*Francisco Morinigo.*

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Whereupon, on this said day, month and year above-named, the said General Rui Díaz de Guzman having acquiesced in the elections of the officers of the Council and Government of this said city, said, that it would be convenient for the administration of Royal Justice to appoint a person, noble, worthy and capable, for High Constable of this said city, and these said good qualifications concurring in the person of Juan de Guzman, ensign of this conquest, a nobleman who will use to advantage and loyally the said office of High Constable, by virtue of the said powers vested in him and of the authority granted by His Majesty to founders and settlers of cities in His Royal name, His Excellency selects and appoints the said Juan de Guzman as High Constable of this said city and its districts and jurisdiction, with the right of voice and vote in Council according to the manner in which it is done in the city of La Asuncion, capital of these provinces and Government of the River Plate, his vote to be taken after that of the Justices of the peace: it having been so disposed and resolved in the said Council by the said General,

they gave their unanimous consent and accepted the said offices, and the said Juan de Guzman having been summoned before the said Council, accepted the said office of High Constable, and was sworn in in the usual form and solemnity, promising to fulfill well and loyally the obligations of the said office, contributing to the support, benefit and utility of this Republic in the service of His Majesty; and the said Juan de Guzman having received from the said General the staff of the said office, they all signed their names individually, which I certify.—RUI DIAZ DE GUZMAN.—*Pedro Hurtado.—Andrés Díaz.—Juan de Guzman.—Domingo Machado.—Juan de Albear de Zuñiga.—Francisco de Escobar.*—Before me, *Bartolomé García*, Notary Public of the Government and Council.

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I, Bartolomé García, Notary Public of the Government and of the Council and administration of this city of Santiago de Xeres, by order of the Council and administration of the same, made a testimony of this act from the original record of the said Council, in the manner and form in which the facts therein contained in reference to the taking of possession and title of these said provinces with the testimony of the terminus and land marks of the same, and consequently the strength and foundation of this said city, and the elections of officers of this said Council, the said original having been well and loyally concerted and corrected, the said officers, Justices and administration approved it and imparted to the same their authority and judicial decree for its force and validity, wherever it should be seen and produced, in all cities, tribunals and chanceries of the Kingdoms and dominions of His Majesty; in proof whereof they signed it with their names before me the said Notary.—RUI DIAZ DE GUZMAN.—*Bernabé de Contreras.—Andrés Díaz.—Juan de Guzman.—Pedro Hurtado.—Domingo Machado.—Juan de Albear de Zuñiga.—Francisco de Escobar.—Francisco Morinigo.* Before me, *Bartolomé García*, Notary Public and of the Council.

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I, Bartolomé García, Notary Public of the Government and the Council of this city of Santiago de Xeres, by request of Captain Rui Diaz de Guzman, Lieutenant Governor and Chief Justice of the provinces of Paraná, and Captain General of the provinces of Los Miaras newly entitled La Nueva Andalucía, and by order of the administration of the said city, I drew this copy from the record of the Council which I hold in my possession, and which copy corresponds exactly with the original amended and corrected as the one above-referred to, and in consequence thereof, and their Excellencies having signed the same, I put my signature on it in testimony of truth.—*Bartolomé García*, Notary Public and of the Council.

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I, Garci Vanegas, Chief Notary of the Government of these provinces of the River Plate, do hereby testify to all who this present copy may see,

that I caused the same to be drawn and written from its original in possession of Geronimo Lopez, Attorney of the new town of Santiago de Xeres, and corrected and compared it with the same. It is true and certain and corresponds with the original. I, therefore, put here my usual signature in the city of Asumpcion del Rio de la Plata on the tenth day of March, fifteen hundred and ninety nine years, in the presence of witnesses: Captain *Pedro Hurtado*, and Captain *Diego Ponce de León*, residents of this city. In testimony of truth, *García Venegas*, Chief Notary of the Government.

(Follow the acts to the end that residents wishing to leave the city, may do so, made in Santiago de Xeres, August the fourteenth, year one thousand six hundred and four, which are not copied as they have no interest, and to avoid repetition.)

(Follow procedure in which are detailed the arms and other effects belonging to each inhabitant and how they feel, not copied for lack of interest.) Dated in the city of La Plata, April the fifth, year one thousand six hundred and five.—RUI DIAZ DE GUZMAN.

1593

**L E T T E R**

**of the City of Xerez to the City of La Asuncion. (\*)**

( This letter was read before the Justice and Council of the city of La Asuncion on the 2d. of June, 1593. )

In order to fulfill our duty with this Council, it seeming proper to give Your Honors an account of the state of this land, because in doing this we not only do what the King our Lord commands us, to keep you well informed of everything convenient to the Royal service, but enable Your Honor, as head of this Government, to fulfill your duties by transmitting this information to His Majesty, we deem it just to write to that Council, for we have confidence in it as Your Honors are zealous persons in the Royal service and common welfare and desirous to see that the Royal Crown be extended, and will thus hear with great applause how these provinces, for such a long time desirous of been settled by foreigners in order that its inhabitants be converted, know now that by a special decree of heaven, for less than that cannot be by us believed, after the petition and requirement of their natives and by the convincement of the Council of Ciudad Real (who have deemed it proper) Captain Rui Diaz de Guzman, with the powers he has by right and cession from Lorenzo de Vera given by said Governor, after leaving sufficient men for the defense of Ciudad Real, with its aid, and leaving alone the Villa del Espiritu Santo, decided upon coming to these provinces with the idea of seeing them, and acquainting himself with them and doing what shall be most convenient for the service of God Our Lord and of His Majesty.

Everything has turned out so well that my petition and the one of all those who came with His Excellency, on account of the land being so full of advantages due to its position, temperature, fertility and the abundance of its fields, forests, fountains and rivers, and finally, so provided with all that can

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(\*) This is a translation of the original document existing in the National Archives of La Asuncion which, in a copy duly legalized by the United States Consul at that city, forms part of group A. n° 18 of the manuscript documents of the « Argentine Evidence. »

be wished for a settlement, His Excellency determined to settle this land and to found this city, calling it Santiago de Xere ; one great reason for said founding being that the Indians, with few significant exceptions, have shown friendship, giving proof of their affectionate wishes to become (*illegible*) and vassals of His Majesty ; and everything has come out well, with the aid and diligent watch of Father Bachelor Raphael de Castro, since after having been instructed and converted, they were baptized and came to help us with such good grace that, thanks to the Divine favor, they will be of great service. Those from that city ( where there are more than enough) who would want to come here with the aid of Your Honor, would be benefited by it, for as soon as they arrive they will see that the land is ready to be worked with profit, and in this they will be able to show their good will, and will be entitled to hope Our Lord's blessing, in what refers to his service, and to reward and honor from the King Our Lord, and from this Council to the gratitude due to a favor made in time of need, besides having us disposed to act in their service whenever it may be needed and it may be useful. In this City of Santiago de Xerez, April 1st. of the year 1593—*Pedro Hurtado.*—*A. de Contreras.*—*Andres de Guzmán.*—*Juan Alvear.*—*Juan Morinigo.*—*Domingo Machado.*—Before me, *Bartolomé García*, Notary Public.

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In the Villa Rica del Espíritu Santo, on Monday the twentieth day of the month of September in the year one thousand five hundred and ninety-three, before me, Juan Bautista Troche, Notary Public, and the usual witnesses, the Justice and Council assembled, to wit: Captain Juan Merino Garcia Vazquez de Valdez and Melchor Moreno, Aldermen, and Juan Diez Merino, High Constable, Francisco de Peralta and Francisco Montañes, Councilmen of this said town, Ensign Sanchez Cano being absent, who is the fourth Councilman, who is in the settlement of Nugarac, and thus assembled, they resolved unanimously, to send an Attorney of this town and its lands to the city of Asuncion, the head of these provinces and of their Council. And the Governor and Bishop being once come, that he could appear, before either of them, in representation and name of this said town, to be informed by word as well as by writing, judicial and extra-judial, of all things whatever, convenient and necessary to these towns and their jurisdiction and finally, of the state of the land and in accordance to it, to make whatever requests and protests and all and every thing necessary, which will be indicated to him in a memorandum of ours which he will take; and for this purpose, in the name and stead of this Council and town, they appointed Pero Miño, resident and Attorney of this said town to whom they gave powers in conformity, to the said person who was present, special and general in reference to the said matters and for whatever he may consider useful to the said town, and to ask and obtain before the said Justice and Board of Aldermen and before the said Governor and Bishop of these provinces what he deemed most beneficial, and generally to carry on all the suits which he may be called upon before any lay or ec-

clesiastical Judges or Justices, and to establish any judicial proceedings, petitions, proofs, propositions and appeals, and to substitute the said power in the one or more persons he might choose, in the said city of La Asumpcion or in any other places, before any proper authority, for each and all things herein to you intrusted for the benefit of the said city which said power with all incidents, dependencies, necessities and annexes we herein grant you, with free and general administration, for the purposes of which we give this power. In the Council of this city, all the said persons assembled before me; the said Notary Public of this town, acting as witnesses for Villa Rica, *Cristobal Benitez* and *Juan Royo*, residents of the said town, and I the present Notary, who signs with the said witnesses. I certify that I know the said grantors who herein sign their names, fecha ut supra.—*Francisco Merino*.—*Melchor Moreno*.—*Pedro Portillo*.—*Francisco Montañés*.—*Juan Diaz Merino*.—*Francisco de Peralta*. Executed before me, *Juan Bautista Troche*, Notary Public.

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MEMORANDUM OF WHAT PERO MIÑO, OUR ATTORNEY, IS  
TO PROCURE FOR THIS CITY IN THE CITY OF  
LA ASUMPCION.

First.—The priests we must have, for us and for the native Indians.

Also.—Powder, nitre, lead and sulphur.

Also.—The residents of this city living there should come to aid this commonwealth, and will be required to do so; if they cannot come to aid, let them abandon their residences, so that others can sustain them.

Also.—The natives Indians which they have taken from here, and who have left their wives here; as their protector has asked us to have them sent to their wives, and the natives also ask it.

And the other things which said Pero Miño, our Attorney may deem convenient; for to all this is our power. I, the said Notary, certify to it, as before me it was offered and granted, and moreover I sign it with my name. Adopted before me.—*Juan Bautista Troche*, Notary Public.

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1593

Statement of the Attorney of the Villa Rica del Espiritu  
Santo, Pero Miño, asking for aid of ammunition  
and gunpowder to repulse the rebel Indians  
who are in continuous war.

(This petition was presented before His Excellency the Lieutenant Governor General and High Justice of this Province and Government of the



River Plate, Bartolomé de Sandoval Ocampo, on the 25th day of the month of October of the year 1593.)

Petition of the Attorney of Villa Rica, Pero Miño, asking aid of ammunition and gunpowder, residents and Indians for the aid and resistance against the rebel Indians who are in continuous war.

I, Pero Miño, Attorney of Villa Rica del Espíritu Santo, province of Guayrá, and by virtue of the power that Board and Council its gave me and executed, which I presented before your Honor, I appear in the best form of law and say:

Considering the imminent danger in which are the said city, residents and the inhabitants of it, because the greater part of, if not all, native Indians of that Province, are in rebellion against the service of God Our Lord and of Their Honors, and considering that they persist in their hard and mischievous obstinacy and that they make all efforts to carry out their intention of destroying this said city and killing its inhabitants, and considering their determination to sack the city and their insolence, since they have not been badly treated nor injured, and considering their disrespect to God and to His Majesty, and in order to destroy this example of disobedience and resist and defend the city and ourselves from such a great evil and danger, I have been sent to this city to ask aid in the form of some lead and powder, nitre and sulphur, as we are in great need of ammunition, having but four of five pounds of powder and one of lead; and as for such needs and aid their Honors have ordered that to this city a quantity of lead, nitre and sulphur be brought from the Kingdoms of Spain and as Captain Merino, who now governs the said city, has property and goods in this city in the possession or Alonso de Prado, resident thereof; out of which property your Honor can pay yourself; and as to your Honor, as General of this city and provinces to which the said towns belong, becomes the duty to remedy and stop the grave evil upon us; and therefore, I ask and beg your Honor if it be necessary, in the name of Their Honors, to order that what I ask be given to him so that I can take it with the utmost brevity required, taking its cost out of the property of the said Captain Juan Merino as I have already said; and also to order the residents of the said city who for many years have been in la Asunción, to return to Villa Rica, as there is great need of people for the new conquest and reduction of the said Indians in rebellion, that if they do not go they will loose the apportionment granted to them, which will be given to others, for one of the complaints of the Indians is that during many years the said residents have had in this city brothers or relatives who have their wives in their tribes, and, as it is natural and just, they should be ordered to go to their homes and wives from whom they have been many years absent. I also request and beg your Excellency to send immediately and through a Royal provision containing the form in which the election is to take place for Mayors and Aldermen, and other for the form of appeals. I am ready to do work in this matter and to justify and publish all that I have asked and sworn to.—*Pero Miño.*

Also.—Considering that the said revolted Indians have said and say that until Captain Rui Díaz Melgarejo, the person in charge of the said tribes, does not return to them to govern and command, they will not come to serve and will persevere in their rebellion, therefore I request and beg Your Excellency to see and provide what, as in everything else, be more convenient to the service of God, our Lord, and of His Majesty and to the welfare and perpetuity of the said Crowns and the purification and reduction of said Indians, sending word to the city of Santa Fé that said Captain Rui Díaz Melgarejo, may come ; I ask justice.—*Pero Miño*.

Also.—I request and beg Your Excellency to order Captain Rui Díaz de Guzman not to take any more residents of the said town to his town newly settled by the natives, nor take any ammunition away from our native Indians, because the said town is in great need of it, as I have already said, and because it is for the welfare and benefit of the said town ; I ask justice.—*Pero Miño*.

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His Honor, the Council of La Asumpcion, considering what has been stated by the said Pero Miño, Attorney, by this petition and by the power that he before His Honor presented said that, as regards the ammunition. it had been looked for in this city, and fourteen pounds of powder had been found, and more nitre is being procured, and steps are taken to get some lead, so that he may have what he asks for ; and as to the residents of that city living here, His Honor says that they should go now with him Pero Miño, and in case they do not, they will make cession of all the property which they possess ; as to what he asks about Captain Rui Díaz Melgarejo, let him go as Lieutenant of that land under His Excellency the Governor Fernando de Zárate, and to provide as he may deem to be convenient ; and as to the provisions he asks, I order the present Notary to give him a copy of the original, written in a sheet as demanded ; and as to what he requests that no ammunition, Indians or soldiers be taken away, Your Excellency will order what is most convenient ; I thus ordered it, said it, and commanded it, and signed it with my namer—ZANDOVAL. Before me, *Juan Cantero*.

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The copy of the provision ordered by His Honor as from the Lieutenant Governor General Bartolomé de Zandoval Ocampo, is as follows :

Captain Bartolomé de Zandoval Ocampo, Lieutenant Governor General and High Justice of these provinces and of the jurisdiction of the River Plate, in the name of His Majesty, whereas, the Attorney of Villa Rica del Espíritu Santo has asked me, in order to sustain its districts, that some of the residents of the said city, who for many years have resided here, shall surrender the apportioned Indians they had in the said city, considering this and the information received and the aid and arms required for the said city which is in danger, due to the rebel Indians in its neighborhood. Therefore, by the presents, I order the said persons and each one of them, that, as soon as they

be notified of this my decision, they shall leave this city within four days, and start their trip, and go to help their town, or on the contrary they are to appear before me to make formal surrender of the title and residence which each one has in the said city, or if not, I shall immediately consider the said Indians as free, to be newly apportioned, and I put them to the name of His Majesty, and His Excellency the Governor will give them to the worthy persons who shall truly deserve them ; said residents to be notified of this my act and order, being Antonio de Añasco, Fernando Melgarejo, Francisco de Vallejo, Martin de Morinigo, and Miguel Gomez ; and they were thus ordered to be notified, each one of them, that, as soon as they be advised of this my act and order, they shall bring before me the Indians and servants, of the provinces of Guayrá, whom each one has in the city, so as to decide as it be most convenient to the service of God Our Lord, of His Majesty and the peace of my Royal conscience: this is to be done and obeyed without fail, if not they will suffer the penalty of fifty dollars in good gold or its value, to be paid to the treasury of His Majesty, and I shall consider them so condemned from this moment if they disobey. Given in this said city of La Asumpcion the twenty-fifth day of the month of October, one thousand five hundred and ninety-three.—ZANDOVAL. Before me, *Juan Cantero*, Notary Public and of the City Council.

(The documents following the above are the notifications to and replies by the persons referred to in the preceeding act and order, enacted with all the usual formalities.)

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**1595.**—Memorial of Pedro Montañés, Attorney General, of the Villa Rica del Espíritu Santo, situated at, and moved from its first site, to the place of Ubay—to Captain Bartolomé Sandoval de Ocampo, Lieutenant Governor General and High Justice of this government against Captain Rui Díaz de Guzman, High Justice of the said city, on account of the bad order in which he said that Guzman had kept the proceedings of justice and government, especially after the said town changed its site, and because, without waiting that this town be founded, and that the residents should settle therein, he had founded the city of Jerez against their will, taking them there by force, as was done with the native Indians of the apportionments. He also testifies to the effect that said Guzman had once imprisoned, with chains and collar, one of the Aldermen, carried away by his arrogance and presumption of knowing more than anyone else, and to other things which are obscurely stated in the said Memorial. The Justice promised to remedy it, reversing the decision as to denounced torts, for the trial of residents.—Notary, *Diego Gonzalez Ruano*.—Given in the Villa Rica del Espíritu Santo on the tenth day of October, one thousand five hundred and ninety-five, before Captain BARTOLOMÉ ZANDOVAL DE OCAMPO, Lieutenant Governor General and High Justice, for His Majesty, before me the present Notary.

(The document *in extenso*, to which the above extract refers to, forms part of the acts of proceedings comprising this matter.)

1617

**Royal Letters Patent, dividing in two parts the original Government of the River Plate, and appointing Don Diego de Góngora as Governor and Captain General of said Province. (\*)**

Don Felipe, by the grace of God, King of Castile, of Leon, of Aragon, of the two Siciles, of Jerusalem, of Portugal, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Mayorca, of Seville, of Sardinia, of Cardona, of Corsica, of Murcia, of Jaen, of the Algarbes, of Algeciras, of Gibraltar, of the Canary Islands, of the West and Western Indies, Islands and firm earth of the Ocean Sea, Archduke of Austria, Duke of Burgundy, of Brabant and of Milan, Count of Augsburg, of Flanders and of Tyrol and Barcelona, Lord of Bizcay, and of Molina, etc.

Whereas, I have been informed that some of the cities of the Provinces of the River Plate are in great danger of being destroyed by the Guaycurús and Payaguás Indians, which are in a state of armed rebellion and commit many depredations; and considering that in order to remedy such evils it is convenient to divide in two parts said Government of the Provinces of the River Plate, which embraces an area of more than five hundred leagues, and contains eight cities at a great distance from each other, thereby making it impossible for one city to help the others, particularly in the case of the three cities of the Province of Guayrá, which have never been visited by a Governor or a Bishop, nor has the Sacrament of Confirmation been administered in them; and considering that, as the Governor of the Provinces of the River Plate has to remain most of the time at the port of Buenos Ayres, to protect and defend it, leaving the northern part of the Government unprotected, it becomes necessary for the said Province of Guayrá to be converted into an independent Government, so that the Governor in charge of it shall procure the reduction to the Faith of the many infidel Indians therein; and this matter

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(\*) This is a translation of the original document existing in the General Archives of Indies which, in a copy duly legalized by the United States Consul at Seville, forms part of Group A, No. 19 of the manuscript documents of the "Argentine Evidence."

having been treated in my Council of Indies, and the information thereabout laid before me by my Viceroy of the Provinces of Peru and some Governors and prelates in the vicinity of said Province of the River Plate, and their advice having been solicited of me: I have resolved that said Government of the Provinces of the River Plate be divided into two parts, one to be the Government of the River Plate, embracing the city of Trinidad, Puerto de Santa María de Buenos Aires, the city of Santa Fe, the city of San Juan de Vera de las Corrientes, and the city of Concepcion del Rio Bermejo; and the other to be known as the Government of Guayrá, with the city of La Asuncion del Paraguay as its capital, and embracing, besides, the city of Guayrá, the city of Villa Rica del Espiritu Santo, and the city of Santiago de Jerez.

And as the time has expired, for which I appointed Hernando Arias de Saavedra Governor of the said Provinces of the River Plate, and as it is convenient to name a person who should succeed him and serve me in the said two Governments, who shall have the necessary conditions; and considering that these conditions concur in your person, Diego de Góngora, Knight of St. Jago, and considering how you have served me and the service I expect from you, I have deemed it convenient to designate and appoint you, as I do by these presents designate and appoint you, Governor and Captain General of the said Province of the River Plate, and of the abovenamed cities, which I order him to add to his Government, for the term of five years more or less, at my pleasure; and it is my will that you shall discharge the said duties; besides the five years I grant you six months to arrive and take possession of the office, which said months shall run and be counted from the day on which, as testified to by the Notary, you set sail to go on with your trip from the port and city of Lisbon; and as such Governor and Captain General of the said Province, you and no one but you, will use your authority in the proper cases and things belonging thereto, as has been exercised by the said Hernando Arias de Saavedra and my other Governors and Captain Generals in the past, of the said Provinces, and so you will be able to act, and you will do all the other things which by my instructions, provisions and Royal letters were entrusted to the Governors, and which are committed and entrusted to you; and by this letter of mine I order the President and those of my Council of the Indies, that as soon as you, Diego de Góngora, take and receive the oath and solemnity required in such cases, and which you should take, that you will well and faithfully discharge the said duties after your having done so and the testimony thereof being drawn on the reverse of these my provisions, they and all other persons who dwell and inhabit in the said Province of the River Plate, shall consider, receive and hold you as such my Governor and Captain General thereof for the term of the said five years, which are to run and to count from the day you take possession of the said office, more or less, as it has been said, at my pleasure; and they will allow you to freely hear, examine and sentence all the law-suits and cases, civil as well as criminal, that may occur in the said Province, of which you should and ought to take notice as such my Governor and Captain General, and do all other things that my other Governors and Captain Generals

of that and of the other Provinces can and should do, and make and receive all inquiries and investigations, in the cases and things admitted in law, which you shall deem convenient to my service and to the execution of my justice and to the good government of the province. You are to take with you, and will take, and your Lieutenant, other sub-Lieutenants whom it is my wish that you should put in convenient places and who shall draw the legal documents, and they must be lawyers, and if taken from these Kingdoms they must be approved by my said Council of the Indies, and if you do not take them from here, but name them in those parts, you are obliged to present them to the Superior Court of the Plate or of the Province of Las Charcas; and in order that the said duties be discharged and my justice be done and executed, and all obeyed, give and cause to give you the favor and aid that you could and would need; and that all respect and fulfill your mandates and of all your Lieutenants, said mandates be approved, as it has been said, in my Council or in the said Superior Court, and that in no manner or form whatever they consent to put, nor put any difficulty or impediment in your way, as I by these presents recognize and consider you in possession of the said office and discharging its duties, and I give you power and authority to discharge them, in case any one should not receive you as such Governor, and I also order the persons serving me in the said offices, and the others who are Judges, that as soon as they be required by you, with this letter, they deliver to you their commissions and cease in them, under the penalties which those persons incur when they act in official or Royal capacities for which they have no power or authority, as by these presents I suspend them and consider them suspended of the said offices, and the penalties and conditions which you and your Lieutenants will impose for me and for my Royal Treasury, you will execute, and have them executed, given and delivered to the officers of my Royal Treasury of the said Provinces, or to those charged with the collection of the Treasury belonging to me, and if you should think it proper for my service and carrying out what is convenient for my justice, to have any person, now or in the future in the said Provinces, leave them and come to these Kingdoms, you will so order him in my name, and you will make him depart from the said Provinces according to the pragmatics bearing on the case, giving the persons thus banished the reasons therefor, and if they are secret you will give them closed and sealed and a copy thereof you will send me by two ways, so that I will be informed of it; but you are advised that when you banish some one it must be for a great cause, for I give you powers and authority as required in such cases; and it is my wish that you have and enjoy a salary, per year, together with the charges for all the time that you be in office, of three thousand ducats, which are worth a million, one hundred and twenty five thousand farthings; and I order the officers of my Royal Treasury of the said Province of the River Plate, give and pay the said salary to you in three parts every year, from the day you take possession of the said office, out of any rents or profits which I may have in the said Provinces, and if there not be, I, by this letter, order the officers of my Royal Treasury of the said Province of Charcas, to pay the part which, as

certified, will appear that you have not been paid by the same Provinces of the River Plate ; and that both shall be credited with their part, and that both shall receive a copy of this my letter and testimony of the day in which you commence to discharge the said duties, and they are to state in my books any letters of payment which should be paid or given to you in the Provinces of the River Plate ; and after copying and paying them, the originals be returned to you, Diego de Góngora, so that you shall keep them as titles of the said offices ; it being always supposed that primarily and before all things, you shall have been received and taken possession, and you have given and give the bonds, legal, ample and sufficient, in the amount determined by the Council of the city which may be the head of the said Government ; you will well and faithfully discharge the said duties, complying with all your obligations, Royal laws and ordinances of the Aldermen, under the penalty that the said bondsmen will pay whatever be adjudged and sentenced, what in all instances be admitted and adjudged and order my auditors who are in the said Council of the Indies to take this into account.

Given in Madrid, on the sixteenth day of December, one thousand six hundred and seventeen.—I, THE KING.—I, PEDRO DE LEDESMA, Secretary of the King, our Lord had, it written by his mandate.—*Licentiate Fernando Carrillo.*—*Doctor Pedro Marmolejo.*—*Licentiate Alonso Maldonado de Torres.*—*Licentiate Juan de Villela.*—*Licentiate García Perez de Aranel.*—*Licentiate Antonio de Vergara.*—There is a scroll in the original—six hundred, between lines, valid.

## **LAWS OF INDIES. (\*)**

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(VOLUME II, PAGE 225, LAWS V. VI., BOOK VI, TITLE II.)

### **LAW V.**

The Emperor Charles and the Kings of Bohemia, Governors in Valladolid, on the 7th. day of July 1550. The same and the Princess governing there on the 21st. of September 1556 :

That the Indians of Brazil, or territory of Portugal, be free in the Indies.

What has been resolved in regard to the liberty of the Indians : let it be understood, be kept and executed although they be Indians belonging to Brazil, or territory of Portugal, brought to our Indies, for we declare that it has and it is to have effect also upon them.

### **LAW VI.**

Philip IV, in Madrid, on the 12th of September 1628. That means be found to punish those from the city of San Pablo of Brazil who go to enslave the Indians of Paraguay.

The Portuguese of the city of San Pablo in Brazil, distant ten journeys from the last reductions of Indians of the province of Paraguay, against all Christian piety go every year to enslave the Indians of the said province carrying them away and selling them in Brazil as if they were slaves. And as it is convenient to repress every kind of offence, disrespect an excess committed against the service of God Our Lord, we order and command the Governors of the Rivers Plate and Paraguay, that by all possible means they endeavour to capture and punish with great publicity the guilty ones and the persons who have done these wrongs, by which the propagation of the Holy Scriptures is brought to cease, and the peace and tranquility are disturbed; for the execution of the above, all the steps which are convenient shall be taken without omitting any, in order to obtain the punishment, correction and amend, which we entrust to their consciences.

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(\*) These are translations from the « Recopilation of the laws of the Kingdoms of the Indies, ordered to be printed and published by His Catholic Majesty Charles I I, Our Lord, Madrid 1841. » This work exists in the Library of Congress in Washington.





**Judicial Proceedings relating to the foundation and change of  
site of Villa Rica del Espiritu Santo. (\*)**

(The two first pages of this document are wanting in the original, there causing the first sentence to be incomplete.)

. . . , , to the Itapé with permission of the Governor and Captain General of this province; the said residents did not find shelter until we came together in the same place as ordered by the Government, in the meanwhile that Your Majesty (whom God save), the Viceroy of these Kingdoms or the Royal Audiencia of the Plate command what is most convenient and necessary for our safety and the perpetuity of the town, where we are suffering great hardships, as the land is arid: at present there is no water to drink for the inhabitants, on account of the drying of the wells which were in the territory, as it is public and notorious also, there is no water even for the cattle and beasts owned by the residents, the dry season having lasted but forty days, making it impossible to live in this place, and we ask for some remedy to so much calamity, and do so in time, so that it be given for the public and patent reasons referred to, which actually exist. Considering all which, we exhort and require, most efficaciously, the Attorney General of the community of this town, to request urgently, in our name, the Field Master Rui Diaz Melgarejo, Lieutenant Governor, High Justice and Captain of this said town to give us permission to go and make our sowing in the places which have been seen next to the heights of Ibiturusú, apart from the lands of the Indians and tribes

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(\*) This is a translation from the original document existing in the National Archives of Paraguay, a copy of which, duly legalized by the Consul of the United States of America in the city of La Asuncion, forms part of group A, No. 20, of the manuscript documents of the "Argentine Evidence."

Casapá, Jutí and others belonging to the city of La Asumpcion, where there are streams, fountains and springs of water, near the river Tebiquari, which abounds in fish ; these are high lands where harvests could be raised as in other places, for the sustenance of the inhabitants of the said town, until formally arranged and determined by His Excellency the Viceroy of the Kingdom, as it is hoped that the said plantations will be made in the said places as there is no inconvenient on account of the proximity to this town, for at the most they are about five leagues distant, perhaps less; and that the said attorney ask, as soon as possible, the said Lieutenant Governor, expressing to him our present and future necessity, so that he as the Christian Judge that he is, give us the permission, without any trouble, for it is for the service of God and for that of His Majesty (whom God save) and for the good and safety of the Republic ; and since all the above aims to the common welfare, so that each one will not have to look for what is most convenient for himself, and everything tends to preserve the life of the faithful vassals of His Majesty and their families, with the purpose that this Republic will not be destroyed and will be sustained in the future, we make this petition without any other motives but the above mentioned, inspired by our needs ; and we swear by God Our Lord, by the Sign of the Cross, that in doing so we are not moved by any individual interest, nor other intention but the safety of our lives and that of this town, and that everything said is public and notorious, making all proofs unnecessary; and in order that it shall stand, we sign it with our names in the Villa del Espíritu Santo, on the ninth day of the month of March of the year one thousand six hundred and seventy-nine. We also request the said Attorney General to ask the Councilmen of this town to do all in their power, in their reports to the Superior and Inferior Justices of the provinces, so that this our true request be enlarged and attended to, and its acceptance facilitated.—*Alfonso de Villalúa.*—*Pedro Portillo.*—*Juan de Villalúa.*—*Miguel de Peralta.*—*Juan de Benialvos.*—*Antonio de Candia.*—*Gernimo Colman,* &c. &c. (Follow two hundred signatures.)

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Captain Don Nicolas Pessoa y Figueroa, Royal Treasurer of this town and Attorney General of the community, in the name of which and of the neighbors and residents thereof, in the best form of law and most convenient, appears before Your Honor and says : that the said neighbors and residents have required met by a written document signed with their names, to ask and allege before Your Honor, on the contents of their petition, which is this one presented as I certify by the proper oath ; this petition is reproduced and I urge it as follows : that the said residents have been obliged, by the present and evident necessities which they suffer, together with their families and cattle in this place of Espinillo, where this town is founded, until Your Majesty (whom God save), the Lord Viceroy of these Kingdoms and the Royal Audiencia of La Plata resolve what is most convenient for their safety, utility and perpetuity, to ask the aid naturally hoped for, because it is so notorious

and so evident and proven that the wells and springs which existed in the plantations and in other places of the territory apparently permanent, have dried, and if some have remained, the water is so dirty and bad, which of necessity is rank add it has bad taste and smell; and as these places and roads are known to be dry and no seeds or plants have grown, although planted in different epochs, the said residents and their families are in great danger of dying of thirst and hunger in the places where they have now their work, for in the short time of dryness, the wells and creeks have dried, and there has been no water even for the animals; all of which the said residents have sufficiently alleged and asked in their petition, so that Your Honor, as if you would have the thing before you and see with your eyes what is contained in this petition, shall give the proper remedy, since everything is certain and true, and Your Honor grant to the said residents license to make their plantation sowings in the places indicated where they will have water and lands to work with comfort, on account of there being fields and high hills and other useful things. and nothing is changed in what has been ordered by the Government, and it is no innovation that the plantations be five or six leagues away from the pueblos nor is my intention to make any movement until His Majesty or the Viceroy determines what is most convenient for the improvement of this town, but only to remedy the imminent necessity which exists, that had not God Our Lord given us the water that has rained, without doubt the said residents and their families would have looked for the shelter of those places; and therefore I think the permission asked for should be granted, and I beg Your Honor for my part that, considering the reason and motives expressed in this document and in the said petition, you grant the license asked for, as Your Honor is such a merciful and zealous Justice of the Royal service, increase and maintenance of his republic and vassals, and you will resolve this petition with the justice which I ask, and if on the contrary you deny what they demand in proper language, declare that it will be its ruin and that everything else that will happen will be due to Your Honor, I certify to this document and swear that it contains no malice and that I think it is necessary.—*Nicolas de Pessoa y Figueroa.*

Decree:—In the Villa Rica del Espiritu Santo, on the twentieth day of the month of March of the year sixteen hundred and sixty-nine, before me Field Master Rui Diaz Melgarejo, resident encomendero and Mayor of the said brotherhood, Lieutenant Governor, High Justice and Captain of this town, districts and jurisdiction, by appointment of His Majesty (whom God save), this petition was presented with the other documents therein expressed, and after having seen them and considering just the petition of the Attorney General of this town who submitted it, I declare it as presented according to law, and for further illustration of the petition I order the said Attorney General to be notified to appear and inform as to the needs which he alleges in his name; before the Sergeant Mayor Felipe Rege Corvalan, Governor and Captain General of this province of Paraguay by appointment of His Majesty (whom God save) and that in obedience to the orders of Your Excellencies I am ready to aid and succor the said residents; I thus decide, order and sign,

before me and two witnesses in the absence of a Royal or a Notary Public and in this paper for want of sealed one.—RUI DIAZ MELGAREJO.

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Notification.—I immediately, in the same month and year, as Lieutenant Governor, read and notified the decree of the other sheet, to Captain Nicolas Pessoa y Figueroa, General Subtreasurer of the Royal Treasury of this town and Attorney General of the community; he heard it in the presence of these witnesses, the Sergeant Major Anastasio Cristaldo and Nicolas Martinez, residents of this town who signed with me.—RUI DIAZ MELGAREJO.—Witness *Nicolas Martinez*.—Witness *Anastasio Cristaldo*.

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#### REPORT OF THE COUNCIL, JUSTICES AND BOARD OF ALDERMEN.

Honorable Governor :

The neighbors and residents of this town, on account of the needs which they suffer and have suffered in this place, not only on account of not having streams or springs which give permanent water but also because the land does not yield any product, petition the General Attorney of the community by a document signed with their names, in which the causes which are to be remedied are expressed ; in conformity with which the Attorney General asks for aid in the writing referred to in this petition, to this assembled Council ; this council has seen and discussed the same and we say : that what the residents ask and allege in the said petition, and by the Attorney in their name, is certain and true, in reference to the waters of the fountains, streams and springs of this place and district as they are not permanent because in any dry weather not one drop of water good to drink, not even for cattle, is found, and in the rainy season, although it be little, all the land is overflowed with it and remains steril and does not give any product on account of being low lands ; this has been the experience of the said residents while they have been in this place, and as they allege and it is certain that if they remain here it will be their total ruin, therefore it is very convenient to grant them the petition asked for to plant and sow this year in the places which they have seen, as they are the best and most proper for their labor and sustenance, and this town might be kept up until His Majesty or His Viceroy of these Kingdoms determines and orders otherwise. And we thus certify and signed it, before ourselves in the absence of a Notary, in this paper on account of not having a sealed one and the original was delivered to the said Attorney, —In the Villa Rica del Espiritu Santo on the seventeenth day of the month of April of the year sixteen hundred and seventy-nine.—RUI DIAZ MELGAREJO.—MANUEL CHRISTALDO.—FERNANDO ARIAS DE SAAVEDRA.—PEDRO BENTEZ.—RODRIGO DE BOBRA.—CRISTOBAL DEL VILLAR.—IGNACIO SANCHEZ.—MELCHOR CHRISTALDO.—JUAN SANCHEZ VALDERRAMA.

Petition.—The Field Master Juan Mendez de Leiva, resident of this

community and Attorney General of it and of the residents of this Villa Rica del Espíritu Santo, in the best form of law, for the good, increase, and safety of this republic, before Your Honor says: that the Honorable Council of this town has appointed him jointly with Captain Nicolas de Pessoa y Figueroa, Lieutenant of the Royal Judges and Officers of the town, as Attorney to go to the city of La Asuncion and ask the Sargeant Mayor Felipe Rege Corvalan, Governor and Captain General of this Province of Paraguay for His Majesty (who God save) to grant the license for the said residents, so that they can make their plantations on the other side of the river Tebiquarí as they have asked by their petition and by the one of the said Captain Nicolas Pessoa y Figueroa who was last year Attorney General, all which is here reproduced with everything else that has been said, so that the best effect be obtained and the said residents be given what they ask for, after Your Honors informed themselves of the inconvenients alleged by the said residents and the Attorney in their name, inconvenients of the lands where in this town is situated at present, which are public and patent, the first and principal is that the lands of the resident's plantations are very low, the hills not high, with little water the said low lands are overflowed, for which reason the sowings and plants do not produce any fruit and not even the seed which was planted.

Wherever there is dry weather, no matter how short, everything is burnt up.

The second is that the waters of the streams and dried wells are not abundant nor permanent, as has been seen by experience, and in the forty day's of dry weather two streams near this place were turned into wells from which no water could be drank; and all the other low lands which had water, dried up causing the residents who had horses, mares and oxen to search for water; and had this dry weather continued for a longer period, living in this place would have been out of the question.

The third is that none of the plantations of the residents can be reached without passing swamps which are dangerous and which surround this town, as all the land is low and plain and has not been improved by their use, as can be seen by those in which it has been tried.

The fourth is that the lands are very unhealthy on account of the cold vapors which rise from the swamps every evening from nine or ten to the morning many times, as it has been proven in three years, more or less, since the said residents assembled in this place where many of them have died, in regard to which, information can be given. And also as to the commodities that the lands of the other side of the river Tebiquari have. As the said residents declare, they are high and rolling, which is a sign by which they are recognized as fertile and abundant as can be seen by the high trees of the mountains, and the grasses of the fields; the waters of the springs and the streams show that they are permanent, by the force with which the water runs and bubbles; the said lands, with slight effort, can be made productive of fish; and continuing the exploration in the said land, the way will be found to the grass regions where Aquirauqua is now, which must be at a short distance as can be judged by the smoke seen by the said residents; and according

to the improvement shown during the period of one year, this town can pass with all its residents to enjoy the said lands with the license which for that purpose will be given by the Governor of this province, until His Majesty (whom God save) or His Royal Council of the Indies or the most excellent Viceroy of the Kingdoms or the Royal Superior Court of the Plate orders and commands otherwise; and so that the report be complete, either one way or the other, I offer to make it sufficient with witnesses who will be men of experience and of good conscience, fearful of God Our Lord and zealous in the service of His Majesty and of the good of the Republic, who as such will say and declare the truth of what they know and have seen in this place, as well as on the other side of the river Tebiquari; and the due authority and judicial decree will be given to it so that it shall be testimony, by delivering the original; therefore to Your Honor I ask and beg to consider this my petition, with the request of the residents, as presented, and everything else done in conformity to it, and all herein reproduced, so that it shall be considered as the beginning of the report which I have offered to give upon the said points: said petition you will please admit and examine on the testimony presented by me upon the said points, and that you will order the original to be given me, and that you will do justice to this town, its neighbors and residents, all of which I ask and swear in due form in the necessary legal form *Juan Mendez de Leiva*. Decree: Let it be considered as presented together with the said documents referred to, and let the petitioner be notified to bring the witnesses which he promises for the information offered, whom I am ready to examine. Thus I decided and signed, the decree of the said field Master Rui Diaz Melgarejo, resident Mayor of the Holy Brotherhood, Lieutenant Governor, High Justice and Captain of this Villa Rica del Espíritu Santo and its jurisdiction, for His Majesty (whom God save) before me and the witnesses, in the absence of a Notary, and in this paper for want of sealed one, in this Villa Rica del Espíritu Santo, on the thirtieth day of the month of Agust of the year one thousand six hundred and eighty.—RUI DIAZ MELGAREJO.—*Nicolaz Martín de Villalúa*. Witnesses: *Cristobal Colman*.—Certification: and after the above, in the said month and year, I the said Lieutenant and High Justice, read and notified what I decided, to the field Master Juan Mendez de Leiva, resident and Attorney General in person, and he heard it and said that he would attend with the witnesses for the information which he has offered to give. He thus certifies it and signs it with two witnesses in the absence of a Notary, and in this paper for want of sealed one. RUI DIAZ MELGAREJO.—Witnesses, *Nicolás Martínez*, *Cristobal Colman*. Declaration of Field Master Hernando Arias de Saavedra. In the Villa Rica del Espíritu Santo, in the last day of the month of August, of the year one thousand six hundred and eighty, for the information which the Field Master Juan Mendez de Leiva, resident and Attorney General, has offered upon the points of this request, presented as witness field Master Hernando Arias de Saavedra, resident of this town, who appeared before me the said Lieutenant Governor and High Justice of this town and its jurisdiction, and after taking the due oath in the name of God, Our Lord, with the sign of the

Cross, in due form of law, he promised to say the truth of whatever he knew; and being asked, after reading the petition of the said Attorney and hearing its contents and the points thereof, he declared that everything therein is true and certain as to what he said in the report, to which he refers, made to the Council last year, when he was second ordinary Mayor; he also refers to the said report as to the second point which treats of the streams and wells which were without good water to drink, which if the dry season would have been prolonged, living there would have been undoubtedly impossible, and to this he testified: as to the third point he said, that none of the plantations of the residents can be reached without passing many dangerous swamps, which have not been improved even with use as declared by the said Attorney; as to the fourth point he said that the lands are very unhealthy on account of the cold vapors that rise from the swamps from evening to nine or ten in the morning, as it is public and has been seen for three years more or less, in this place, where many residents have died; and as to what the said Attorney says in regard to the commodities that exist in the lands on the other side of the river Tebiquarí, that its hills are high and extensive, with permanent springs and streams, as were seen by the witness when he went there, and as he declared in the said report made to the Council of this town, he learned that they were better and more proper for the plantations of the said residents and, in this declaration which he now makes, he says that it is very convenient for the residents to move and settle said town so that its residents would not die; there they could reside in the same form as here, until His Majesty (whom God save), His Royal Council, or the Most Excellent Viceroy of these Kingdoms, commands, and orders, otherwise; he declares that what he has said is public and notorious truth, among the residents and other persons who enter and go out of this place; this document was read to him and he declared that he found it correct, and that he confirmed and ratified it, he declared he was sixty years old, more or less, and he signed it with his name together with me and before me and witnesses, in the absence of a Notary, and in this paper for want of sealed one, RUI DIAZ MELGAREJO.—HERNANDO ARIAS DE SAAVEDRA.—Witnesses: *Nicolás Martínez de Villalva*.—*Cristobal Colman*. And then immediately, in the same day, month and year, before the said Lieutenant and High Justice, the said Attorney, for the information that he has offered, presented as witnesses, Captain Juan Dominguez, resident of this town, who beign duly sworn according to law, promised to say the truth of what he knew in the case, and after I the said Lieutenant, reading to him the petition of the said Attorney and after hearing the points thereof, he said: as to the first, that he knows, has seen and experienced everything therein contained, in the three years, more or less, that he has lived in this place, and he has not been able to enjoy nor see the product of his work of cultivation and sowing because the lands were low and the hills very small, being swampy; that it had happened to him that he has not been able to husband even the seed, and also that the plants have no force to take roots and thereby he suffers great needs and to-day he finds himself without seeds for his sowing. As to the second point he says that he knows and has seen that



these lands have no permanent waters in their streams and wells, that during the dry weather which did not last for more than forty days this was experimented, and that had it continued, the residents would have not been able to remain there, and that for this reason they had to search for water for their horses, oxen and mares, all of which indicates that the site should be changed: as to the third he said, that he knew and has seen no plantation of any resident whatever which can be reached without passing bad swamps, on account of the low lands, and that the roads have not improved, notwithstanding two carts running on them.

As to the fourth point he said, that the said lands are very unhealthy on account of the cold vapors which ordinarily rise during the evenings and continue to nine or ten o'clock of the next day, which was experimented in the said three years in which many residents have died, and it is thus declared by deponent that continuing in this place and in all its vicinity is impossible, and that for the said reasons, the said residents last year moved in the number of thirty six to the other side of the River Tebiquari, one of them being the deponent, and all agreed and saw that the lands were better on account of being extensive and high hills with springs and streams whose waters appeared to be permanent, by the force and abundance with which they gushed forth and ran, without being clear; and they found that the said lands were fertile by the woods and the high trees of them and the grasses; and they also noticed that the said River Tebiquari bordered the said lands, and that from it, although in a small scale, some fish may be had with slight efforts, and that continuing the exploration of the said lands, a road would be found to the grasses, as the smoke which the residents and the deponent saw seemed very near of the Guaraucua fields, and from everything that he has seen and the experience which he has of said lands, he says that in two harvests the lands will be found to be fertile and abundant not only for products, but also for the cattle, and that the town should be moved so as to enjoy these benefits, the Governor of this province granting that it continue in the same form as at present until His Majesty (whom God Save), his Royal Council or the Most Excellent Viceroy of these Kingdoms, orders and commands otherwise; and that everything said and declared he holds to be public and notorious truth among, all the residents of this town and all those persons who have come to it; and after having read this declaration to him he said that it was correct and that he confirmed and ratified it, and that he is sixty-four years old, and he signed it with his name, with witnesses, before me, in the absence of the Notary Rui Diaz Melgarejo.—*Juan. Dominguez.*—Witness, *Nicolas Martinez de Villalva.*—Witness, *Cristobal Colman.*

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Declaration of Captain Francisco Fernandez.— In the said town, on the second day of the month of September of the year one thousand six-hundred and eight, before me, the said Lieutenant and High Justice of its district, the said Attorney General, for the information offered, presented as

witness Capitain Francisco Fernandez de Mora, resident of this town, who took the oath in due form of law and, by Our Lord and the sign of the Cross, promised to say the truth ; and after having read to him the petition of the said Attorney, and after hearing what is therein alleged, he declared and said in regard of the tenor and the points thereof, as follow : As to the first he said that it is public and notorious what it contains in reference to the faults of the lands, on account of these being low and plain lands, the hills very low and therefore very little water overflows them, and on the other hand, in dry weather everything burns, and the plantations, do not produce nor the plants remain, and so the residents find themselves to-day without means nor seeds for sowing ; as to the second he said that the shallowness of the two streams near this place and the dried wells were caused by forty days of dry wheather and that the water of the said streams was unfit to drink, and not even could it be used for washing clothes, and that there was no water in the valleys where the farms of the residents are, and there was none for the cattle, horses and mares, and the residents have to go from one place to another looking for a site where there would be water, for in case the dry weather continued they could not remain in this place nor in their vicinity ; as to the third, he said that everything contained therein he, the deponent, knows, has seen and experimented, that all the plantations have to be reached through dangerous and bad swamps, on account of which the residents come to this city all besmeared and full of mud, and this is more to be deplored in the case of the ladies, for they suffer thereby many sicknesses, that in three years the roads have not improved by the frequent use nor by the two carts which try to fix them ; as to the fourth, he said that the lands are very unhealthy because of the cold vapor that rises from the swamps from evening to nine or ten in the morning ; he has seen this during the three years which he has lived there and knows also of many deaths of residents due to it ; that if this continues the town will be consumed and will be weakened, and that for this reason it is very convenient that the residents move to the other side of the River Tebiquari, where they can make their plantations as the hills are high as seen by the deponent, and the lands fertile and abundant as judged by the large trees of the mountains and the grasses of the fields, and by the waters of the streams which have their sources in the high lands of Ybiturisi, and some are permanent, and also the springs which gush forth with great force, and the said river although in a small scale, has fish, which with slight effort

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Note.—This document terminates here: it is incomplete, the end being missing.



**ROYAL LETTERS**

**Ordering that the thirty Indian Reductions of the Company of the Jesuits, in the District of Paraguay, be placed under the Jurisdiction of the Government of Buenos Ayres, and the College of La Asumpcion be restored to the Possession of the Fathers of said Society. (\*)**

**THE KING:**

Whereas, we have heard what Geronimo Herran, of the Company of the Jesuits, and Attorney General of the same Order for the provinces of Paraguay, Tucuman and Buenos Ayres has said regarding the persecutions that the Missionaries of his religion have suffered from the Governors and officers of Justice of Paraguay, to the extreme of having taken to prison two Missionary Fathers and expelled from the College of La Asumpcion those Fathers who had the care of souls in that province; and considering that the restitution of said College has not been made even after the orders given to that effect by the Audiencia de Charcas and the Vice-Roy of Peru; and considering that this hatred extends to the Indians of the reservations which are under the care of said Missionaries, in the said district, many of whom fled, out of fear of said persecution, to the woods with their women and families, as happened in the year one thousand seven hundred and twenty-four with the Indians of the pueblos of Nuestra Señora de Santa Fé, Santiago, San Ig-

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(\*) This is a translation of the original document existing in the General Archive of Indies, which in copy duly legalized by the United States Consul, at Seville, forms part of group A, No. 21 of manuscript documents of the "Argentine Evidence."

nacio and Santa Rosa ; and considering the great injury done to the service of God and our own service by such proceedings, contrary to the zeal and loyalty always displayed by said Indians at every opportunity, either in the pursuit of war or fort building in Buenos Ayres, they doing the service with arms and horses at their own cost, and mindful of the convenience of reassuring them in the belief that in future they are not to be thus harmed, and of the difficulties to be encountered, while the Indians already converted labor under their present state of fear, to reduce those yet unconverted, the reduction of which has always been our aim and that of our glorious predecessor, since the discovery of America, I have resolved, among other provisions I have taken, for the time being and for so long as I may not order it otherwise, that the said thirty reductions which are under the care of the said Company, in the district of Paraguay, be placed under the sole power and jurisdiction of the Governor of Buenos Ayres, and that the Governors and officers of Justice of Paraguay, have absolutely no control over said reductions, and I have further resolved that the said College of La Asumpcion be immediately restored to the said Fathers, of which they were despoiled, so that they may continue to exercise there their Apostolic Mission.

Therefore, I order the Vice-Roy of Peru and the Audiencia de Charcas, that as soon as this Royal Letter be shown to them, they shall give positive orders to have it executed, seeing that the separation from the government of Paraguay of the thirty Indian pueblos of the Company of Jesus is fulfilled, and that the said reductions are placed under the control of the government of Buenos Ayres, taking care also that the Governor and officers of Justice of Paraguay restore to the Fathers of the Company of Jesus, the College of La Asumpcion; said Vice-Roy of Peru and Audiencia de Charcas being charged to inform me of the execution of this Royal letter patent at the first opportunity.

Given at San Lorenzo, on the sixth day of November, in the year one thousand seven hundred and twenty-six.—THE KING. P. Dn. FRANCISCO DE ROSCANO.

( Three signatures.)

**Royal Letters enumerating the thirty Pueblos of Misiones of  
Paraguay, in charge of the Order of the Jesuits,  
and issuing instructions to be observed  
in their future Government. (\*)**

THE KING :—Don Bartolomé de Adunate, Governor of Paraguay, having placed before my Royal notice, in the year one thousand seven hundred and twenty six, how convenient it would be that in the pueblos which were under the jurisdiction of the said Province and that of Buenos Ayres, in charge of the misiones of the Order, there would be two magistrates who would put the Indians (which were more than one hundred and fifty thousand in number who do not contribute any thing) under contribution, as was done with the other Indians of the other Provinces of Peru, and to open a public commerce which would produce great benefits to the Indians, and that out of the profits of their productions and industry, taxes could be collected and their value distributed, so as to maintain the treasury of Chili and the presidio of Buenos Ayres, and the rest of the great amount remaining would be for my Royal Treasury; these magistrates, whenever necessary, aiding the presidio of Buenos Ayres, the Governor of Paraguay, in case of appeal from the decrees and judgment of the Magistrates, to have jurisdiction, and the said Magistrates to be under the obligation of collecting the tax from the Indians who should have not contributed until then, the same as in the other Provinces, collecting the said tax in the form of goods, and

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(\*). This is a translation of the original document existing in the General Archive, of Indies, which, in a copy duly legalized by the Consul of the United States of America at Seville, forms part of group A, No. 22, of the manuscript documents of the « Argentine Evidence. »

products or their industries, all to be deposited in the city of Asumpcion of Paraguay with a Treasurer and an Auditor who are to receive them and to keep an account of this contribution, they also to correspond with the Magistrates; from this place the tributes are to pass to the city of Santa Fe de la Vera Cruz, there to be converted into money and remitted to the treasury of Buenos Ayres for the payment of that presidio and of the army of Chili. In view of this and of what was determined in regard to this point by the Council of Indies in the consultations of the twenty fifth of May of the same year, I deemed it convenient to command, by Royal Letters of the eighth of July of the following year, one thousand seven hundred and twenty seven, the Governors of Buenos Ayres and of Paraguay, to collect, in conformity with the laws of my Dominion of the Indies, from any Indian whatever, the tributes and taxes as it has been ordered, and to inform, in case they have not done so, the reason why. Of all this I also ordered that notice of it be given to the Viceroy of Peru, so that he should report as to these news, and if they be true, to observe the conduct of the said Governors, so that, in case of omission of any one of them, he should act as it be most convenient for the fulfilment of the said Royal orders; in consequence of which, Don Martin de Barúa, temporary Governor of Paraguay, in a letter dated the twenty fifth of September, one thousand seven hundred and thirty, declared that he has been five years Governor of the said Province, and that the information in regard to the number expressed of one hundred and fifty thousand Indians which are supposed could be taxed in the Misiones of both Provinces was given without knowledge of the case; he had seen and examined the rolls of the thirteen tribes of his district, and he finds that in the two Provinces there were not more than forty thousand Indians that can be taxed, and that if they exceed this number it is by very little, and that in regard to the thirteen tribes, they had, according to the rolls, from ten thousand five hundred to eleven thousand taxable Indians; from which he infers that the tribes of this district of Buenos Ayres, which are nineteen or twenty, will have all together about forty thousand taxable Indians: that as to the establishment of Spanish Magistrates, great troubles would follow, for these Indians had always been under the Fathers of the Order, without recognizing any body but their Provincial and curates, and any change in their government would drive them to rebellion, as their settlements are in good situation for it, and the distance of the tribes from the Spanish settlements is so great that they could not be submitted, the nearest tribe to Buenos Ayres being about one hundred and fifty leagues distant and others three hundred. And as to the jurisdiction of the said Government of Paraguay, there were three tribes distant fifty leagues from the said city, and three, seventy leagues, the others were on the other side of the great river Paraná, distant one from the other seven and eight leagues. That in case it is considered convenient, in the seven now nearest pueblos to that city, namely, San Ignacio Guazú, Nuestra Señora de Fée, Santa Rosa, Santiago, Itapúa, El Jesús and La Trinidad, a Magistrate could be ordered to be placed, for in all circumstances aid could be given to him by the Spanish people of

that Province, although he thought it difficult of obtaining it. The said Martin de Barúa added that supposing this to be done there would be nobody who would desire the position, for they fear principally the missionary preachers who from their first foundation had the idea of settling at such distance, that commerce with the Spaniards would be impossible; moreover, the Indians were under prohibitions, even in the tribe of San Ignacio Guazú, which had an entrance on the road immediate to it and was fenced in: it was necessary for the Spaniards, in trading, to pass by the said gate, but they were not freely allowed to do so and to go in the town: they could only do it if the preacher gave license, and not otherwise.

That, in regard to the tax, he informed that in the said Province it was calculated at eight yards of cloth, which was the pay of two months' work of each Indian; and that, as these Indians were not free, as those of Peru, and their work was at the will of the preacher, represented by the Indian minister, and what is produced is accumulated by the said preachers to form the property of the community, without the Indians possessing any part of it, but the cloth which was given for their dress and what was set apart for their sustenance, all which was under the charge of the preacher, for this reason, and considering the urgent needs of my Royal service, specially as to the Indians of the district of Buenos Ayres who served in the frontier of the said port, it seems to him that they should only be taxed one half of the eight yards of cloth, or two dollars in silver, provided that they always be ready to serve in my Royal needs, and notifying them the pious equity with which my Royal kindness attended them; for although the Indians of the jurisdiction of Paraguay have also given in the past their services to the defense of the said Province, for many years they have almost ceased to do so, for which reason the same order could be applied to them. That in regard to the reason why these Indians have not been put under contribution, he did not find any other but the one accompanying the enclosed Memorial of a resolution of the Royal Treasury passed at Lima by my Viceroy, the Count of Salvatierra, and other Ministers, in consequence of which, one dollar in silver was imposed as a tax to each Indian of the said Doctrine, to be delivered to the Royal Treasury of Buenos Ayres; the said Viceroy thus deciding, in accordance with the petition and request and memorial before him: This tax was not collected, and from this part the deduction is made that from the year one thousand six hundred and ninety one of its adoption, until the year one thousand seven hundred and thirty, (calculating that during all this time the said Doctrine had forty thousand Indians, more or less), in the said treasury of Buenos Ayres three million and two hundred thousand dollars were missing; the officers of my Royal Treasury having not taken any step for their collection, on account of the respectful relations by the said fathers efficaciously maintained, even in the Court of my Viceroy. And being informed of all these circumstances, and about all of what was transmitted to me by my said Council of the Indies, in the consultation of the twenty seven of October of one thousand seven hundred and thirty two, and considering the gravity of this affair, I deemed it convenient to order a commission to be



given to Juan Vazquez de Agüero, who was then going to Buenos Ayres, to make the reports suggested in the consultation ; for which purpose I ordered the Council to deliver to this Minister the proper instructions advising him to confer with the Superior Fathers of the Order of Jesuits in Paraguay as to what could be done in regard to the taxes to be imposed upon the Indians, and their collection : I ordered at the same time to my said Council to name a person in Spain to interview and do the same with the Attorneys or individuals of the Order who were going to those Provinces, so that after seeing the results of all these steps, I could resolve what would be most convenient. In compliance with which, the proper Orders and Instructions were given to the said Juan Vazquez de Agüero to procure the said information ; and to instruct this Council, after due examination of what he may see, upon every one of the points desired ; the said Council also, in compliance with my Royal Resolution, after the consultation above-referred to, resolved that after this report was received together with all the other facts and those already had, Manuel Martinez de Carvajal (then Attorney of my said Council with reference to New Spain), and Miguel de Villanueva, my Secretary, with reference to Peru, should have a conference with the Attorney General, Father Gaspar Rodero, and they should give an account of the result in regard to the said points to the Council. And it being my Royal wish to become fully informed as to this affair of so much notoriety, on account of the many writings and anonymous attacks against the Fathers of the Order as well as the answer of the latter to these charges, it was necessary to make this investigation so as to determine whether it is an unjust and intolerable calumny against the Religion, which should be vindicated by the truth, or that the undue tolerance results in a notable injury to my Royal Treasury, without any use for the Royal Patronage, and the disobedience of the punctual observation of my orders : for these reasons I deemed it convenient to order that, by reserved way these secret Instructions, including all the proper points, be given to the said Juan Vazquez de Agüero. With these documents the Minister went to carry out his commission, and in virtue of it he drew, in the city of Buenos Ayres, the judicial proceedings which resulted from both inquiries which were sent in February of the year one thousand seven hundred and thirty six, with the said testimony not only to my Royal hands but also to the Council, in which he says the following, in regard to the said points : That after having had interviews with Martin de Barúa, after having examined the papers, rolls, as well as the reports of the Bishops of that Diocese and of Paraguay, and the declarations of the most practical laymen and ecclesiastics of those pueblos, to the number of ten, he found that in these Misiones of the Order there were thirty pueblos, and that the lowest estimate as to the number of taxable Indians was thirty thousand : That in my Royal Treasury of that Province he did not find any roll for the year one thousand seven hundred and fifteen, the one delivered to him by Barúa was only of fourteen pueblos, and it was stated therein, that at that time there were seven thousand eight hundred and fifty one Indians under contribution : That he had seen a copy of the one made in the year one thousand

six hundred and seventy seven by Diego Ibañez de Faria, Attorney of my Royal Audiencia of Goathemala, of twenty two pueblos, which the said Misiones had at the time : That he had been unable to find since when they had increased, for in the year one thousand seven hundred and eighteen, when Bishop Fray Pedro Fajardo visited all the pueblos, said Bishop declared that there were thirty, with twenty eight thousand six hundred and four families, and seventy three thousand six hundred and fifty seven persons : That in the year one thousand seven hundred and thirty three, in a document executed by the Fathers, adressed to the Bishop of Paraguay, it was declared that there were twenty seven thousand eight hundred and seventy five families : That in the one delivered to him by the Attorney of the Misiones in regard to the number, in the year one thousand seven hundred and thirty four, it was stated that the families were twenty four thousand two hundred and seventeen ; and finally, that Father Jaime de Aguilar, Provincial of those Provinces, had assured him, in the interview which they held, that there were thirty pueblos, and that there were living in them twenty four thousand tributaries and also that by the sworn certificates of the parish priests, afterwards delivered to him by the Provincial, it was admitted that the tributary Indians actually existing were nineteen thousand one hundred and sixteen. This Minister, in his report, declares also, that the pueblos of those Misiones are of great antiquity for, according to the judicial proceedings had before Baltazar García Ros, then Governor of Paraguay, as to whether the pueblos of the Misiones should be placed under compulsory labor for the working of the grass, it is proven that under the Government of the said Province of Paraguay and River Plate, the Fathers of the Order had founded already, in the year one thousand six hundred and thirty, more than twenty reductions and pueblos of Indians, with a good church in each one of them, and that there were in all the pueblos more than seventy thousand souls : That by virtue of repeated Royal Orders all those who had not reached the age of eighteen were exempt from the tribute, as well as those who had reached the age of fifty, and all the chiefs, their eldest children and twelve in each pueblo who were assisting in the churches : That in the printed paper published by Father Rodero he assured that there were one hundred and fifty thousand souls in the thirty pueblos, quoting the rolls made by the Governor of Buenos Ayres which could not be found, nor any other of more recent date could exist, for although, by my Royal Letter of the twenty fourth of August of one thousand seven hundred and eighteen, the said census of the reductions was ordered, and the surveying of their Government and the estimate of their products, so that the Indians could pay the tithes to the church authorities, obliging the chiefs to the payment of the tribute and its delivery to my Royal Treasury, this order never went into effect because the Governor, on the pretext of different duties, delegated the commission to Baltazar García Ros, Lieutenant to the King, who accepted it, but the Attorney of Misiones appeared against it, saying that the Indians had a Royal Letter patent which said that they should not be enrolled but by the Governors or by the Ministers whom I designated for it ; and after time was given him for its presentation, as requested, this

affair remained in this state, the year one thousand seven hundred and twenty, without been ever treated again. In what refers to the tribute which has been paid by these Indians, this Minister also informs that it was one dollar a year for each Indian, but that it does not appear when it commenced, and that the ten thousand four hundred and forty dollars expressed in the said roll of Diego Ibañez, less the amount of twenty two synods for the priests of the same number of pueblos, are reduced to six hundred and fifty three dollars and seven reales which are annually delivered and collected by my Royal Treasury through the Fathers Procurators of Misiones; the said Minister in his report says, that in the conference which he held as to this affair, he was assured that the exact number of Indians have never been stated to the present, because there is no individual knowledge as to how many there are, and that they are governed in practice by the roll all ready quoted of the year one thousand six hundred and seventy seven, and that for this reason, the other eight synods,—the difference between twenty two and thirty pueblos which exist in the said Misiones,—had never been collected; That it is true that, according to the steps taken for the compliance of the said Royal order of the year one thousand seven hundred and eighteen, there was no individual census made of the tributaries, this being due to the negligence and omission of the Governor; and that although the injury which the Royal Treasury suffered was evident, it was impossible to collect the said amounts because there were no facts for its punctual regulation. And that in relation to the tax which those Indians were to pay as contribution, which, according to all the reports presented to this Ministry, was two silver dollars for each Indian, annually delivered at my Royal Treasury, which is half of what the others of that Province pay, this prudent regulation being made because they have served my Royal Crown in all the occasions in which they have been called by the Governor of the said Provinces for purposes of war (as when Agüero made his report when he assured that there were in my Royal service three thousand Indians) and that he called them to the manufactories and other necessary work as well, with the understanding that he could do so in the future; for this reason it seems that those Indians could contribute the said tax of two dollars without any necessity of pushing them nor tiring them with more work than they had until then, for with it abundant harvests of all kinds were obtained; as to this he also informed that he had consulted with the Provincial Father of those Misiones and that it was agreed that they should be under the said regulations; he tried to persuade the Minister that the Indians were very poor individually and in common, although his estimates were based on the highest reckoning that the three products of grass, cloth and tobacco yielded annually one hundred thousand dollars, after deducting the cost of the food and dress of the Indians, and that as to this charge, (other ones being not possible, because of the absence of facts in the offices,) enough money was obtained for the payment of the two dollars of tribute which in the most moderate account exceeded seventy thousand dollars a year, and that there remains more than was needed for the decorations of the churches, for furnishing arms for the Indians and tools

for their labor and trade, and for the wax and wine which is taken in some pueblos for the ceremonies and celebration of the Divine service. In regard to the products of the pueblos of these Misiones, the said Minister declares that, from a variety of sources, there results that due to the work of the said Indians of the pueblos, there is sent to Buenos Ayres and Santa Fe from sixteen to eighteen thousand arrobas of camini grass, and that according to the opinion of others it could be from twelve to fourteen thousand arrobas, and others reduce the amount to ten or twelve thousand a year. That the price of it reached as high as six dollars but the regular was three. And that in regard to the grass called of «Palo» obtained in the four nearest pueblos to the Province of Paraguay, there was also a diversity of opinion, some saying that it was from twenty five to twenty six thousand arrobas, others made it a great deal less and some held there was none. That the same thing happened as to the cotton cloth, some estimating it as high as twenty five to twenty six thousand yards, while others declared it to be less; the price being from four to six reales according to quality, and the price of the said «Palo» four dollars, although on many occasions it was only worth two dollars an arroba. He also mentions the other products, sugar, tobacco and wick, and their respective prices according to the variety of reports, as well as to what is certified to by the Treasurer of Santa Fe and the declaration of the Attorneys of the Misiones wherein it is stated and admitted that from the year one thousand seven hundred and twenty nine to one thousand seven hundred and thirty three, there had gone into the Provinces of Paraguay and Buenos Ayres the amount of six thousand six hundred and ninety seven bales of grass, of seven to eight arrobas each, and two hundred and ninety five loaves of sugar of two and a half and three arrobas. In the said report it is assured that the Indians, according to all the declarations, are well instructed in the Christian Doctrine, and that the Missionaries take care of them, keeping them from going into any vice whatever, employing them according to their age and sex, and that they have been taught all the trades and labors: That the fact of those pueblos not being subject at present to the dominions of the Indies, that the Indians are not taught the Spanish language nor are allowed to communicate with Spaniards, from which very bad and necessary consequences are inferred as to putting difficulties to the commerce with Spaniards, and to the natural affection brought by intercourse and and that they are always kept separated from the regular Government of those regions; to the said charge the Order answered that it was true that it does not permit vagabund Spaniards to enter those pueblos and that they have found that this is the only way to obtain that no homicide has ever been committed there, or theft, or idolatry or excesses; and that if any Spaniard has ever entered it, has been to rob them, even of their wives, but that as to the absolute refusal of intercourse with Spaniards this was false as shown by the facts that a large number of these Indians were continually employed by seasons in the field, or in the work of fortifications or other labor, frequently entrusted to them by the Governor of Paraguay and Buenos Ayres, and from this a necessary communication with Spaniards resulted, out of their homes;

and that as those who go to such labor move, all capable Indians entered into communication with the Spaniards, without disobeying the precepts of the Missionaries who only strive to keep their conscience pure ; and these Ministers finally informed that as to the point of community of property, products and effects of the Indians, it had been fully explained, by the Order, detailing the economical distribution of food and dress to the Indians, and of everything necessary for their support, the part allotted for the Divine Cult and for the priest, and what was derived to the payment of the tribute and other expenses of the Royal service, from all which a great economy was shown, indispensable in order to maintain in a state of regular Christian life said natives, numbering from one hundred twelve thousand to one hundred twenty thousand persons of all ages and sexes, incapable by themselves of obtaining for their sustenance their everyday food, and that no Indians in America were so intrusted in, and observed as well, the Catholic Faith and lead such Christian lives, as could be seen from the documents sent by the Judge of this commission, Juan Vasquez. And that in regard to the said conference with the Father Attorney General, in the papers presented by the latter and the reports transmitted by the said Agüero, there were informalities as to the facts all favorable to the Order. And that these Indians of Misiones of the Order are the defence wall of that province ; they were of service to my Royal Crown as no others, as manifested by my Royal good will in the instructions given in the year one thousand seven hundred and sixteen, to the Governor of Buenos Ayres, Bruno Mauricio de Zavala, in consequence of the cession, which in Article VI of the Peace of Utrecht was made to the King of Portugal, of the Colonia of Sacramento of which this territory of Misiones is the frontier ; and that as to the other things which from there had been written, the Provincial of Paraguay declared in a signed Memorial, which he presented, that this grave affair reduces itself to the consideration of what was liable to be lost, by any change, although legal and of easy establishment in other places ; for there an infinite number of souls might be taken from God, and my Royal Crown deprived of those vassals who save troops needed and which do not exist in those places, and Paraguay and Buenos Ayres would be deprived of the impregnable defense had for years ; that the census of the Indians should be made, and that to this end the Order already proposed and facilitated the way ; that if at any cost the rate of tax is to be increased somewhat, it would never be convenient to make it equal to that of the other Indians, it would not be of any use to my Royal treasury, for after taking out the thirty synods for the pueblos established and paying the assistance assigned in those places to the Missionaries, ( which should be done if the custom in the other places is followed ), all the tribute would be consumed and perhaps the Royal treasury would have to pay out money ; for putting down the amount to the lowest figure they exceeded eight thousand dollars a year, and they were basing their calculations upon the number of Indians yet unsettled, since the origin of this dependence, in which only the number of nine thousand had been formally known and ascertained, in the year one thousand six hundred and forty-nine, in which

the allotment was made, and that of nineteen thousand, in the year seventeen hundred and thirty four in which sworn statements were presented to Juan Vasquez. And the decrees and reports having been seen and examined in my said Council of the Indies, as well as the Memorials that from the Order of Jesuits have been presented in regard to the incidents and doubts which have arisen as expressed by the Attorney of the said Council in regard to all that has happened in the long time in which this dependence has been under investigation ; and finally in reference to all the Royal orders given from a century back up to date, in regard to the state and progress of these Misiones, the contents of which they have brought before me in the consultation of the twenty-second of last May, reducing all the charges brought about in said two reports to twelve points for its more clear comprehension, I have thought it convenient for my Royal service to take the resolution which is therein expressed as to each one of the points, which the Council has proposed me.

The first is as to the number of pueblos that the Fathers of the Order have in the province of Paraguay ; and the number of Indians that each has, and all together, and the number of taxable Indians ; and how much do they pay and if the rate should be increased in the future, as well as to how the arrears should be collected.

Considering what has been stated in the said decree and report that the pueblos are thirty, ( seventeen of them in the jurisdiction of Buenos Ayres and the remaining thirteen in Paraguay ) : That the number of Indians in all of them is from one hundred and twenty to one hundred and thirty thousand and that according to the certificates of the curates there were, in the year seventeen hundred and thirty-four, nineteen thousand one hundred and sixteen taxable Indians : That these Indians in the year one thousand six hundred and forty-nine had been declared and received as vassals of my Royal Crown and as defenders and opponents of the Portuguese of Brazil, and it was ordered that they be exempted from compulsory work and personal service and that they should pay to my Royal Crown, in acknowledgment of my Lordship one dollar, of eight reales of silver, in specie and not in products, which was approved and ratified by the Royal letter of the year one thousand six hundred and seventy-one, ordering that the synods of the Father Missionaries be collected from this tribute : That in the year one thousand seven hundred and eleven by a representation made by the ecclesiastical Council of Paraguay it was ordered that nothing should be changed in regard to this tribute, and that finally, by the instruction given in the Royal letters of the year one thousand seven hundred and sixteen to Bruno Mauricio de Zavala, Governor of Buenos Ayres, the Indians of these Misiones were recommended to him and their merits were spoken of, and he was told to assure them that my Royal will would never burden them further, but in what they contributed for the maintainance of the said Misiones and reductions : I have resolved that the established tribute of one dollar per year of the community be not increased, and that in conformity with this resolution this tribute be collected, until another census be made, in accordance with the


certificate of the Missionaries, given by order of Father Aguilar, to Juan Vasquez de Agüero; and if the amount resulting from this decision be more or less than what should correspond to the fixed number of Indians which there were in the preceeding year, it is my Royal wish to excuse it, as I do it, and therefore, I order that these vassals be told that their services and faithfulness have moved my Royal kindness to give them this aid. I have also resolved that an order be given, as it is given by the despatch of this date, that a census be made by the Governor of Buenos Ayres, in accordance with the Father Missionaries, and that this be repeated every six years, and for this purpose they should examine the books of baptism and funerals, and a copy of the rolls be sent by the Governors to the Councils; and I have given order that these facts be incorporated in the instructions given with the titles.

The second point reduces itself to express what products are raised in those pueblos, with what places they trade, and their respective prices, what portion of grass is collected annually, where it is sent, what is its use, and the price at which it sells: From the report received by Juan Vasquez and his information there results that the total product of the grass, tobacco and other products may reach annually five thousand dollars; that the Attorneys of the Fathers are entrusted with the collection and sale of clothes for silver, because of the incapacity already expressed of these Indians; that by Royal letters of the year one thousand six hundred and forty-five they were empowered to trade and work the grass, provided that they did not do it for their Missionaries; that by another Royal letter of the year one thousand six hundred and seventy-nine the Provincial of Paraguay was advised of the abuse by the Fathers committed in trading with this grass; that by another of the same year, in order to attend to the complaint of the City of La Asumpcion, stating the damage caused by the Fathers by bringing down large quantities of grass from the pueblos, thus reducing the sale of the grass of the city, it was ordered that they should only bring twelve thousand arrobas yearly, to pay for the tribute, which was the reason given by the Fathers for the trade, with the condition that it should be examined and registered in the cities of Santa Fé and Corrientes, and that if the testimony of this registry was wanting it should not be admitted, as was done with the grass of the individuals; and it is also declared that these Indians are exempt from the payment of all duties by the sale of the grass and other things which they raised in their pueblos, as ordered in the Royal letters of the fourth of July, one thousand six hundred and eighty-four, renewed in the instruction given in the year one thousand seven hundred and sixteen to Bruno Mauricio de Zavala, and it also results from the facts of this document that the Fathers were excused from the registry and they were ordered to account for the quantities brought down, by letter, to the Governor of La Asumpcion, said disposition is obeyed as it is declared in the certificates of the officers of my Royal treasury of Buenos Ayres, in consequence of the said Royal letters of the fourth of July of the year one thousand six hundred and eighty-four; and lastly I have estimated the product and sale of the grass and the other products to be one hundred thousand dollars as expressed by the said Fathers and as they af-

firmed that nothing is left over to sustain thirty pueblos of a thousand heads each, which at the rate of five persons for each head, make one hundred and thirty thousand souls, receiving each one, of the one hundred thousand dollars, seven reales for tools of labor and for keeping up the churches as they properly do; all this showing that these Indians have no funds to pay even the dollar of tribute now collected: I have deem it convenient, in consideration of what has been expressed, that the trade be continued as heretofore through the Fathers, without any change; and that the officers of my Royal treasury of Buenos Ayres and Santa Fé shall inform annually as to the amount and quality of the products sold in their respective cities, from the pueblos of Paraguay, as ordered for its punctual obedience in the despatch of this date.

The third point treats as to whether the Indians were instructed in the Spanish language, or were only maintained in the knowledge of their own: And considering that, in what refers to this point, there results from the reports, that the Indians only speak their native tongue, but that the Jesuits do not prohibit any other and that this is due to the love they have for their native tongue as in each one of the pueblos, there is a school established to teach how to read and write the Spanish language, and this is the reason why a large number of Indians know how to read and write Spanish very well, and even Latin, but without understanding what they read or write; and that the Fathers of the Order assured that the only thing they had not done was to make their attendance compulsory which is not provided by law nor has seemed proper to them: In which supposition I have deemed it convenient to especially charge the Fathers of the Order, by Royal letters of this day, to maintain, without fail, schools in the pueblos and to see that the Indians speak the Spanish language conforming to the Law, Title 18 and 1, Book 6 of the Recopilation of the Indies, not only because it is convenient to my Royal service but also to avoid and destroy the calumnies in regard to this point against the Order.

The fourth point reduces itself as to whether the Indians own their property as individuals or if their administration is in the hands of the Fathers; as to this point it is declared in the reports, conferences and other documents of these proceedings, that on account of the incapacity and negligence of these Indians for the administration and management of their property, a portion of land for their work is apportioned to each of them, so that with the harvest they can sustain their family; and the rest of the plantations of the community, of grains, roots and cotton is administered and managed by the Indians, directed by the priests in each pueblo, and also the grass and cattle; and that the whole product is divided into three parts, one to pay the tribute to my Royal Exchequer, from which the synod of the priests is paid, the other for the ornamentation of the churches, and the third part for the sustenance and dress of the widows, orphans, sick and invalid persons, and to aid all the needy, since from the portion of land given to each one for his sustenance, there is hardly any one that has enough to last him for the year; that an exact account of this administration is carried in each pueblo





by the Indians' superintendent, accountants, examiners and warehousemen, who by their books know the entries and the sales of the products of each pueblo, and that they are under so many requirements and penalties that the priests can not take anything belonging to the Indians from one mission to another, nor are they allowed to accept alms or loans or any present, and they must give the account to the Provincial; this is why the Reverend Bishop of Buenos Ayres, Pedro Fajardo, who visited the said Misiones assures that he never saw in his lifetime anything better ordered than those pueblos, nor unselfishness equal to that of the Jesuit Fathers, for they do not profit in anyway from the Indians even as to their sustenance or dress; as to the other reports, of no less credibiliy, they all agree as to these points, and specially those given lately by the Reverend Bishop of Buenos Ayres, Fray Joseph Peralta, of the Order of the Dominicans, in a letter dated the eighth of January of this year of one thousand seven hundred and forty three, in which he gives an account of the visit which he had just made to the Pueblos, not only of his jurisdiction, but of many of the dioceses of Paraguay, by permission of the Council; he praises the education and conduct of the Indians who are so well instructed in religion and in everything tending to my Royal service, and he says that the temporal Government was so good, that it pained him to leave the said pueblos. For these reasons, it is my Royal will that no change whatever be made in the said management of the property, but that what has been done to this date, since the first reduction of these Indians, be continued as before with their consent and for their benefit, the property of this community has been managed by the Missionaries only as directors, and it is due to their Government that the bad distribution and service which exist in almost all the pueblos of Indians and in other Kingdoms is not found there. And although my Royal letter of the year one thousand six hundred and seventy one, orders that the Fathers should not act as protectors of the Indians, since this order was given because the Fathers were said to meddle in the ecclesiastical and lay jurisdiction and they, with the title of protectors, made impossible the collection of the tribute, all which turns out to be untrue, and the contrary justified by so many means, and that they only protect and direct and govern them in what is best for their spiritual and temporal happiness, I have deemed it convenient to declare it thus and I order, as I do it, that there be no change whatever in the way in which these pueblos, in this matters have been governed.

The fifth point treats as to whether the said Indians of the Misiones have other Justices besides their Indian Magistrates, and who appoints them: And since the order of putting in these pueblos Spanish Magistrates would cause great trouble, as Martin Barúa informed my Council of the Indies against the opinion of Bartolomé de Aldunate, that by the examination made by Agüero it is found that in each pueblo there is an Indian magistrate, appointed by the respective Governor after consultation with the Fathers; that there are also common Aldermen and other officers of the Municipality elected annually, after consultation with the priest, and that it is usually the case that they are appointed with the advice of the Governors, in consultation with the Fathers,

which practise, the said Agüero declared to be useful, for in that way the most proper ones were selected; taking this into consideration I have thought it convenient not to make any change as to this point and I order, as I do, by the present letters, that the same methods be observed as heretofore.

The sixth point refers to what occupation, profession or trades, the Indians of these Misiones have been taught, what kind of goods they make, and also if arms are manufactured, powder or other ammunition and if they have some mines, and what is the quality of the metal and their productions: As to this, what has been declared in the proceedings drawn by Juan Vazquez has been considered, and there results from them that in each one of the pueblos there are different arts and trades, and that all kinds of fire-arms and side-arms, as well as ammunition and powder are manufactured, but that in reference to mines there never has been any notice whatever that any metal was to be found in those places. The Royal letters of the fourteenth of October of the year one thousand six hundred and forty one, sent to the Viceroy, Count of Chinchon, has also been considered, in which the said Viceroy was asked to report as to the pretensions of Father Montoya, Attorney of Paraguay, asking that a license be given to all the Christian Indians who were in the frontiers of the Portuguese of Brazil to learn the management of fire-arms, on account of the want of Spaniards and who could not depend themselves of the Portuguese who robbed and killed them, for although the arming of the Indians might have the inconvenience of a possible uprising, this could be met by keeping the arms and ammunition in the hands of the priests, without delivering to the Indians more than those they should need, and collecting them as soon as they were not needed; in each reduction no more powder and ammunition was to be kept than that considered by the Fathers sufficient for the invasion feared; the deposit to be kept in the city of Asumpcion. That the Fathers could buy these arms and ammunition with the alms or other objects which would not be burdensome to the Indians, and that for their instruction they could take from the provinces of Chili some coadjutors who had been soldiers: and the same order was repeated in the letter of the year one thousand six hundred and forty-two to the Viceroy, the Marquis de Mancera, without it being known what they informed as to this affair; in the Royal letter of the twenty of September of the year one thousand six hundred and forty-nine, it is found that the Governor of the River Plate was ordered not to make any change in the use of arms in which the Indians were becoming experienced, on account of its being for their necessary defence: and although by another Royal letter of the tenth of June of the year one thousand six hundred and fifty-four, the Governor of Paraguay was ordered that he should obtain all convenient information as to the fire-arms used by the said Indians, in which they were instructed by the Fathers of the Order, so as to determine what would be most convenient to order, with the purpose of avoiding the damages which might result, as indicated in the same Royal letter, so that all the arms in that Government, and the Captains and officers, would depend only of him, and that they could not, without his orders, move the Indians on any expedition, the said resolution

being repeated by the Royal letter of the sixteen of October one thousand six hundred and sixty-one, and notice of this being also given to the Provincial of the Order for his knowlege and fulfillment; nevertheless, in another Royal despatch, given on the thirtieth of April of the year one thousand six hundred and sixty eight to the President of Charcas, on account of what was expressed by the Father of the Order, that the Indians not having in their posession the said arms, the same damages had been suffered on various occasions when the Portuguese and other nations had come to enslave, in different cities, as many as three hundred thousand persons, asking for these reasons that a garrison of Spaniards be placed there for the defence of that Province, he was ordered that together with two magistrates of the Audiencia and two of the older Father of the Order, they should confer as to what would be most convenient for the service of Our Lord and mine, and the welfare of those vassals, giving an account of the results, and that in the meanwhile no change should be made as to taking away the arms that the Fathers had in their Misiones, notwithstanding what was ordered by the said letter of the sixteen of October of the year one thousand six hundred and seventy-one, leaving everything as before. Afterwards, in the year one thousand six hundred and seventy two, in Royal letter, given on the fifteen of November, the Governor of Paraguay was ordered not to make any change in regard to this, from what had been ordered in the said letter of the year one thousand six hundred and sixty-one, and that if this had been carried out, he should see that the said one, of one thousand six hundred and seventy-two was executed. In the Royal letter of the twenty-sixth of July one thousand six hundred and seventy-nine sent to the Viceroy of Peru, on account of the representation which the Governor of Paraguay made on account of hostilities committed by the enemies in that province, the Portuguese of Brazil insulting the pueblos who were not armed, it was in the same day ordered that the Indians of Paraná and Uruguay should carry and use fire-arms, approving the previous Royal letters which treated of these points, and specially the one of the twenty-fifth of November one thousand six hundred and forty-two. And that in the same manner there should be returned to the Indians and to the Fathers, the arms which had been taken from them by virtue of the said Royal letter of the year one thousand six hundred and sixty one, so that they should have and use them as before agreed to. All of which was corroborated in the instruction given in the year one thousand seven hundred and sixteen to Bruno Mauricio de Zabala, advising him that it was convenient that these Indians should remained armed, because it was useful to my Royal service and the defense of those dominions. For these reasons I have resolved that, in regard to this point, no change whatever be made from what is done now but that it shall continue as at present not only as to the use of arms but also as to the manufacture of them as well as to the ammunition mentioned. And in order to foresee any trouble that might result from this, it is commanded by Royal letter of this day, to the Fathers of the Order, that the Provincial, in view of this report, shall treat with the Missionaries, about the steps to be taken in case that by misfortune there

would be an uprising of the Indians, informing my Council of Indies what means they thought should be used in this case.

The seventh point is as to whether tithes have been collected among those natives and whether with any part of them the Bishop or Cathedral is supported and how it is distributed : and considering all the documents in the case, in reference to this point, with what the Bishop of Buenos Ayres expressed in his Report that the Indians under the Fathers of the Order were useless to his Church, because they had not aided it with the payment of tithes ; on account of which, in Royal Letters of the fifteenth day of October, in the year one thousand six hundred and ninety-five, it was ordered that these Indians should pay their tithes to their parish priests, and repeated afterwards to the Governors of Paraguay and Buenos Ayres advising also the respective Bishops to send to my Council of the Indies certificates as to the yearly payment of these tithes ; and in a certificate of the ecclesiastical Council of Paraguay it is declared that in that Bishopric, by memorial custom, the pueblos of Indians do not pay any tithes as they are in charge of the priests and Fathers of St. Francis ; as to this point all the other reports lately made agree : Considering this, and the troubles that may arise from any new provision as to this point, I have resolved that at present nothing new should be done as to the point, advising by a separate Royal Letter the Provincial that the tithe being so, he should discuss with the Missionaries the way and form of enforcing it, in what concerns these Indians, and how they could contribute some part.

The eighth point reduces itself to the statement of the occupation and business of so many Fathers, as have gone, and go as Missionaries to Paraguay, since there are no more than thirty pueblos, and if they continue in new conquests or if they remain in the pueblos already reduced. As to this point it appears from the Report of the said Agüero that of the Fathers who go to the Misiones, the probationaries go to the College of Cordova, the Professors some to the College and others to the Misiones, where they accompany the Curates and receive instruction in the language, so that they after may become Curates, and that they are not known to devote themselves to new conversions, although some times, they reduce and bring down from the mountains some families which have run away from the pueblos already formed ; and the Fathers have been brought to task as to this point in the interviews that we have had with them, and they reply that the supernumerary Missionaries employ themselves in those places in making spiritual excursions through the mountains, in search of those unbelievers whom they bring and add to the pueblos already founded. It appears also from different papers and documents that, without neglecting this, they continue, on the other hand, in the reductions called the new reductions of the Indians which are named Chiquitos de los Chiriguanos, Chaco and Pampas, in which they have not only crowned the spiritual conquest by the Fathers, but their fervor and zeal increase every day : Considering all this, it is my Royal will that nothing new be done in regard to this point ; and so, to have punctual news of the progress of those Misiones, I have resolved to request the Fathers, by

Royal Letter of this date, that, in all possible occasions, they should give an account to my Council of the Indies of the progress of the said Misiones.

The ninth point treats as to whether the Reverend Bishop of Paraguay has visited those pueblos to administer the Holy Sacrament of Confirmation, and since when he does not do so. And it appearing from the Report and Judicial proceedings of the said Juan Vazquez that the Bishop of Paraguay had visited twice the pueblos, and that the Reverend Bishop Fajardo, who had been Bishop of Buenos Ayres, had done the same, both prelates administering Confirmation, it being also true that all the Bishops that have desired to do so, have visited these pueblos, of which they have given, and are giving at the present time, repeated news to my Council, expressing the good spiritual condition in which they are, as it has just been done by the Bishop of Buenos Ayres, in the said letter of this year, nor any complaint has been heard from anyone, that these visits were opposed: Considering all this, my Royal will has no motive for making any provision as to this point.

As to the tenth point in regard to the churches in charge of the Fathers and their attendance and the Divine cult, I have considered what the said Agüero informs; which commends the great pains taken in the buildings, attendance and adornment of the churches, that the ornaments consisting of the services and other objects are of silver, that the Divine cult can not be more punctual, beautiful and devout; all the reports agree with this, even those of the rivals of the Order, and those of the present Bishop in the said letter of the eighth of January of this year. On account of the said reasons, I have resolved to give the Fathers (as it is done by a despatch of this date) my thanks for their special zeal and application in these questions.

As to the eleventh point in regard to the antiquity of each one of the pueblos, and as to their ceasing as missions after ten years and passing to secular doctrine, I have had under consideration what is stated in the Reports made in Buenos Ayres and what appears from the facts in these documents, in which the great antiquity of these pueblos is acknowledged, since in the year one thousand six hundred and fifty-four they were converted to the doctrine, being called until then Reductions, as it appears from the Royal Letters, of the years one thousand six hundred and fifty and one thousand six hundred and fifty-one, on account of the differences of the Reverend Bishop Cárdenas with the Order of Jesuits, it was ordered to my Royal Superior Court of Charcas to procure the peace of Paraguay, and that the Royal Patronage in these doctrines be observed, ordering that the houses, property and colonies be returned to the Fathers, of which they have been deprived by the Bishop, and that if the Fathers were permitted to remain in the Reductions, it should be on the supposition that they would observe the rule of the Royal Patronage. It was also declared in the Royal Letter of the fifteenth of July, one thousand six hundred and fifty-four, that they were to be Doctrines and not Reductions, those of the Order of Jesuits of Paraguay, and that they, as in other places had been done, should submit to the vice-patron for curates, three names; with the provision that if the Fathers did not submit and obeyed this order, the Governors and Bishops should order

in each one of their provinces, a common priest to be placed, in their stead if there was a want of the Fathers of the other orders, and that in case the Order should submit and obey everything in the Royal Patronage, they should continue to possess and manage the Doctrines; this was also communicated to my Royal Superior Court of La Plata adding that in cases where the Regular Prelate of the Order in Paraguay should deem it convenient to remove any Curates he could do so, without been obliged to manifest his reasons for it and that he would comply with the rules by proposing three other persons in the form prescribed.

And the Governor of Paraguay having informed that in compliance with the Royal Letters, the Provincial of the Order had submitted to the punctual observance of what had been ordered therein and that therefore he had given him the Doctrines; and it beeing also informed that the Prelate had proposed him three Fathers for each one, and that, after considering who was the most proper, he had chosen him and was duly accepted by the ecclesiastical Prelate for the office in the Doctrines, so that after they were approved by the Royal Patronage they would hold them in the future; this being complied with, he was given his Letter of the tenth of November, in the year one thousand six hundred and fifty-nine approving all that had been done, considering all which, and it appearing from the documents of these proceedings that this is practiced and that the laws of my Royal Patronage are enforced and well administered in those pueblos, I have resolved that no change should be made as to this point and that the Doctrines should continue under the charge and care of the Order.

In regard to the twelfth point as to the reason why these pueblos which are in the jurisdiction of Paraguay are not under its Government, I resolve to order, by my Royal Decree of the fourteenth of October, in the year one thousand seven hundred and twenty-six, that, until otherwise commanded, the thirty reductions of Indians of the Fathers of the Order in Paraguay should be under the Governors of Buenos Ayres, said resolution being the result of the petition made by the Attorney of those Misiones on account of the notorious difficulties which arose, when the said province of Paraguay was governed by Joseph de Antequera, and that the proper orders being given for the carrying out of this decision, Bruno Mauricio de Zavala had informed that if this decision was to be carried out, many troubles would be caused, at least in the four pueblos nearest to La Asumpcion, and that he had ordered, in accordance with the Governors of Paraguay, that the said four pueblos remain under that jurisdiction until my Royal knowledge was informed and I ordered otherwise; being informed of all this I approved the consultation which the said Bruno Mauricio de Zavala recommended should be made to my Council of the Indies. And although the orders given on account of this resolution were dated on the fifth of September, in the year one thousand seven hundred and forty-two, it is found that the thirteen pueblos of Paraguay were yet, in the year thousand seven hundred and sixteen (in which Agüero reported), under the jurisdiction of the Governor of Buenos Ayres, which agrees also with the memorial given by the Provincial of those Misiones in which it is expressed

that to this Governor, and not to the one of Paraguay do they go for the confirmation of their justices and other officers of the thirteen pueblos and that the order has not been obeyed as to the said four pueblos perhaps because when it arrived there, the province of Paraguay was in rebellion and it may have not been considered convenient to give new strength to those troubles, considering all which, and nothing appearing from the documents of these proceedings that any provision is necessary as to the point, it is my Royal will that no change whatever be made as to this point.

And lastly, being informed that one of the things said against the Fathers of the Order of Jesuits that they introduced in those provinces foreigners in their Misiones, and considering that they have done so by virtue of Royal Orders; and that in the year one thousand seven hundred and thirty four, I allowed, by my decree of the seventeenth of September, to the General of the Order, that in each one of those Misiones of his Order, one fourth of the Fathers who went there, could be German Fathers; and it appears that they have been most faithful, as proven by the letter of the eighth of September, of the year one thousand seven hundred and thirty-seven, in which it is stated that Father Thomas Werle, of Bavaria, being in the settlement of Sacramento with four thousand Guarani Indians, was killed by a shot from the enemies. Considering this, I have only deemed it convenient to request the Fathers earnestly (as it is done by Royal letter of this date) to give their greatest attention to this question, especially as to persons who are natives of sea-powers.

And finally recognizing, from what has been said in the above points and what appears in the other ancient and modern documents, examined in my Council, with the meditation required in so grave an affair, all justified by true facts, that in no other part of the Indies is there more respect to my dominion and Government than in these pueblos, or is my Royal patronage and ecclesiastical and Royal jurisdiction so well established, as shown by the continuous visits of the ecclesiastical Prelates and Governors, and by the blind obedience with which they carry out their orders and especially when they are called to the defense of the territory or any other expedition, putting in readiness from four to six thousand armed Indians who go wherever sent: I have resolved that these Royal letters be given expressing to the Provincial, the gratitude with which I remain, after seeing the false calumny and lies of Aldunate and Burúa, destroyed by so many proofs, and the religion so well applied to everything tending to the service of God and of mine and of those unfortunate Indians, and that I hope that they will continue in the future with the same zeal and fervor in the conversion and care of the Indians. And this being all that I have deemed convenient to resolve as to everything herein mentioned: I therefore order, by the present Royal letter, my Viceroy of Peru and of the new Kingdom of Granada, the President and Judges of the Superior Court of Charcas, the Governor of Paraguay and Buenos Ayres and the officers of my Royal treasury of those districts; and I beg and request the most Reverend Bishop and Archbishop of the city of La Plata and the Reverend Bishop of the said provinces of Paraguay and Buenos Ayres,

their Council, and generally all the other ecclesiastical and lay Judges of my dominions of America to whom, totally or in part might belong the observance of my Royal resolution, explained in the twelve points above referred to, to obey and execute, each one in his district and jurisdiction, what is contained in this Royal letter, without any reply, delay or trouble whatever, so that everything, herein provided for be, effectively done; the contrary will be a source of Royal displeasure. And I also command as to what is ordered as to each respectively, that each one should give a punctual notice of having received this Royal letter, and that they have made a due note of it for its proper fulfilment. And the present will be recorded in the Archives of the Indies by the Royal officers and in the other proper offices of those dominions.

Given in Buen Retiro on the twenty-eighth of December, one thousand seven hundred and forty-three.—I, the KING,—*Don Miguel de Villanueva*.





**JURISDICTION OF SPAIN**  
**over the Territory submitted to Arbitration. (\*)**

In the City of San Juan de Vera de las Corrientes on the 26th. of April of the years eventeen hundred and fifty one, the Council, Justices and Board of Aldermen namely: those who sign this, have met in this Hall of our resolutions, as it is our use and custom, to treat and discuss matters relating to the Royal service for the benefit and utility of this Republic, and the High Justice and Military Captain did not attend, on account of being occupied in the service of his regiment; and « it was resolved that the Mayor give a « second vote as representative of this Board so that there be a search in the « archives of this city of the documents in which the boundaries of the jurisdiction of this city are set down; he presented before us the official books « of the foundation of this city and the steps taken by her representatives with « the city of Santa Fé, in which it is stated that the jurisdiction in the direction of down the River commences from the mouth of the great overflows « which are between Rio Corrientes and Santa Lucia which is the place where « we have the post which divides this jurisdiction from that of Santa Fé and in « the direction of up the River to the headwaters of the River Uruguay, Tape, « Biosa and San Francisco as more fully explained in an official resolution « carried the fifteen of June of the last year, one thousand six hundred and « seventy three in which date the said Book was presented, of the foundation of « the city on the third day of April, one thousand five hundred and eighty « eight by the Licentiate Juan de Torres de Vera y Aragon, Governor and

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(\*) This document is published in page 26 of the official book previously referred to, entitled "Collection of Facts and Documents in reference to Misiones as an integral part of the Province of Corrientes, etc."

« Captain General, who was of this province of the Paraná, and also other  
« records of the suit had between the shareholders of the cattle of this city  
« and of Santa Fé on account of the wild cattle » which grazed in the one  
and the other jurisdiction, in which they settled by agreement between  
them with authority of the Council, before the Chief Serjeant (Sargento  
Mayor) Francisco de Villanueva, then Mayor of this city, as limit on the  
one side from the River Batel to the Paraná and on the other to the  
farms of the Guaraní Indians, which are, as they should be, in conformity  
to the Laws of these Kingdoms, two leagues distant from their towns » said  
« record was made last year, one thousand six hundred and sixty two, before  
« Captain Alonso Delgadillo y Atienza, who was Mayor of this said city; all  
« the said documents being in our archives, as it is public and notorious that  
« we have been in possession of all the said lands, without any one's opposition  
« and by virtue of this they have settled the places of Medina, Ayucu and  
« others which are on this side of the River Corrientes, by due measures  
« made of the territory of this jurisdiction, from the said post bearing to the  
« East at the said time another post was placed, which to the present exists  
« in the pass of the River Corrientes, called Santillan; the said bearing passes  
« the River to the fields called of Mocrete, which are old cows-farms of this  
« city, which uses them without any opposition whatever, as they are  
« within its territory, as it is public and notorious; for all the said reasons  
» after having studied and discussed it among us, we infer the legitimate  
« dominion which this city has over all the territory which the Guaraní  
« Indians pretend to settle, evidence of which is to be found in the chapter of  
« the letter of the Superior Father of Misiones, the original of which is in this  
« book »; it is said in it that the then Governor and Captain General of these  
provinces, Bruno Zabala, being asked up to what part the said Indians could  
settle, his Excellency answered that up to the River Corrientes, to which we  
agree; although the said gentleman ought not to have said it, without con-  
sulting this Council, on account of the damage that it might cause the rights  
of this city—because of the benefit which may result to the tribes and because  
at present it does not injure us seriously. » But in regard to the settlement  
« now pretended of the said place of Medina and of the others which are on  
« this side of the River Corrientes, we say from now, unanimously and uni-  
« formly, that we do not, in any manner, permit the said settlement to be  
« made on account of the injury which might result against the residents of  
« this city reducing them to so small a district and depriving them of the  
» benefit which they might have, and which are due them as a community,  
« without it being necessary to say that, since the jurisdiction dates as early  
« as it is declared in the foundation, the towns and ranches are included in  
« said jurisdiction which are on this side of the Paraná, because these places  
« are convenient to the said settlements, and that they would be distributed  
« without seriously injuring the said city, with the implicit consent of this  
« Council up to the Estero of the River Corrientes, in which territory the said  
« settlements have been and are, to which distribution we do not oppose  
« neither; but it is also stated that the ranch of the said tribes which is in

« Vaecua paid tribute for some time to the town of Itatí to which these lands were  
 « ceded by this city at the beginning of its reduction in lieu of tribute which its  
 « natives pay to these residents, but this does not prove that the said places  
 « are between the lands of Itatí and Misiones because, as it has been already  
 « said, the lands of the said town were given to this city, and are to the East  
 « of here, while the others spoken of, are in a very distant direction : from all  
 « of which follows the legitimate property that this city has to the said territory  
 « which it had before its implicit consent to what was distributed in the name  
 « of Our Lord the King by its founder » And in regard to the proposition,  
 made to this Council by the said Reverend Father Superior of Misiones, that  
 the Dominion of the said lands be transferred to him by sale or other  
 arrangement, we say that we can not in any manner deliberate as to the  
 sale of the said lands because it would be of serious injury to this vicinity,  
 because of the residence thereon of the Indians and the serious troubles that  
 may follow by difficulties among the residents and the Indians inhabiting  
 the said territory ; moreover, this district, thanks to the Divine Providence,  
 being sufficiently full of cattle, it will be necessary, some short time from now,  
 for some of the residents might need to settle on them, asking the said lands  
 of the city, by virtue of the right of property which they have there-  
 upon.

And we thus resolve that, if any of the said residents ask the deposit of  
 the said territory, or of any other situated on this side of the River Corrientes,  
 if it is granted, let it be with the condition that he can not bargain nor sell it  
 to any one who is not a resident and with the same condition ; and in order  
 that this be carried into effect the High Justice is exhorted, as he is the one  
 who makes the deposits of land in the country, to publish it by proclamation  
 with the protest that we from now make, of nullity against any deposit, grant,  
 or sale made, and that no transfer of the Dominion exists in any case or form  
 whatever, of the territory belonging to this city. « And we thus resolve that  
 « an order be sent, by the Reverend Father Rector of this College, Attorney  
 « for this matter of the Reverend Father Superior, so that his Reverence  
 « orders the Chiefs of the tribe or tribes which may have settled the place of  
 « Ayucú,—as it appears from authenticated facts given in Council by the  
 « Alderman, Bernardo Casafus, with all the original steps taken, which he  
 « did in representation of this Board,—that the said place be unsettled and  
 « remain free taking from it their cattle ; this is to apply to any settlement  
 « on this side of the River Corrientes, except Curupaití, a ranch of the Trini-  
 « dad, which we consent for the present to be inhabited by the Indians, by  
 « virtue of the right with which we know they acquire it ; and that they do  
 « not trespass on the other boundaries of their jurisdiction and settle at will  
 « other places with the condition that they not be, as it has been said, on this  
 « side of the River Corrientes. Notwithstanding that the settlements which  
 « they may make from the said river ahead, be in the boundaries of this  
 « foundation, according to the privilege of its foundation ; the said Reverend  
 « Father, for the ends which be convenient for him and for the tribes under  
 « his charge, may insert in the said proclamation this resolution ; this pro-

» clamation to be drawn up by the Second Mayor, and he will bring it to  
« this Board for the said effect.»

And there being nothing further to discuss we close this resolution which we sign, authorizing it by ourselves on account of the want of Notary and in this book of common paper because we have no sealed paper.—*Gaspar Lopez.*—*Joseph Añasco.*—*Francisco Moreno.*—*Amaro Gomez.*—*Bernardo de Casafus.*—*Juan Solis.*

**ROYAL DECREE,**

**Containing the Provisions to be Observed in the Establishment  
of the Spiritual Government of the Thirty Pueblos of  
Guaranis Situated in the Province of Paraguay  
between the Rivers Paraná and Uruguay.**

**Dated in Saint Ildefonso on the  
25th of June, 1771. (\*)**

The expulsion of the Regulars of the Order of Jesuits having been concluded, and proper orders having been given, by virtue of it, by the Lieutenant General Francisco Bucareli, who was Governor of Buenos Ayres, which the Extraordinary Council has brought before me in the Consultation of the twenty-third of last March for the future spiritual and temporal government of the thirty pueblos of the Misiones of the Guarani Indians, situated in the province of Paraguay, between the Rivers Paraná and Uruguay; after due consideration and with the object that the important end be accomplished of reducing them to constitute themselves in due provinces for the benefit of the natives and security of My Royal Dominion over them, and increase of My Royal Treasury: I have resolved among other things the establishment of a principal Governor for all the thirty pueblos with residence in the Candelaria,

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(\*) Civil and Ecclesiastical Jurisdiction of Spain over the territory submitted to arbitration.

(\*) This is a translation of the original document existing in the General Archive of Indies, which in copy duly legalized by the United States Consul, at Seville, forms part of group A, No. 23 of manuscript documents of the "Argentine Evidence."

with the same powers as those of Tucuman and Paraguay. The establishment also of three sub-governors who, with the title of Lieutenants, are to act under the order of the principal one, to wit: one for the six pueblos of San Juan, Santo Angel, San Lorenzo, San Luís, San Nicolás and San Miguel, with residence in the last named ; another for Nuestra Señora de Fé, Santa Rosa, San Cosme, Santiago and San Ygnacio Guazú, with residence in one of the last two named ; and the other for the remaining four pueblos, Yapeyú, in which he is to reside, La Cruz, Santo Tomé and San Borja, with the condition that in case of absence or death of the principal Governor he is to be substituted by the Lieutenant of the said six pueblos, who is to reside in San Miguel ; to each of these Lieutenants and principal Governor a Serjeant is to be appointed, who will fulfill the duties of an Adjutant. That the payment of the tithes be established immediately, with the applications ordered by the Laws of Indies ; and in order that, for all things pertaining to the spiritual realm, these pueblos shall attain the benefits that I desire for them, it is my will that there be placed over all of them a sole Vicar General, all the Curates to be under him, be they Regulars or laymen, and they shall not meddle in anything temporal, nor the Prelates visit the pueblos having a parish priest, and as they belong to different, Diocesis the Council will take the proper steps so that this will have legal effect : That in the principal seat of the government there be established an Auditor for the Governor and a Royal Official Treasurer, and finally that in the same principal seat and in those designated to the Lieutenant Governors, Spaniards shall take their residence, to whom lands are to be apportioned, they to have charge of the primary schools endowed by the government so that they teach our language and doctrine with which our dominion be strengthened and the obedience due to my Royal Person. Let it be obeyed in the Council of Indies and the necessary orders for its execution and fulfillment be given for everything under its inspection.—In San Ildefonso, on the twenty-fifth of July, one thousand seven hundred and seventy-one.

To the DUKE OF ALBA.

1775

**ROLLS**

**Of the Indians of the jurisdiction of the pueblos of Corpus, on the  
river Paraná, and San Xavier, on the river Uruguay, in  
which district was included the territory  
submitted to arbitration.**

We, the Council and Administration of the pueblo of Corpus Christi, certify, in what we can, to all those seeing this, that the number of Indians herewith included, who are tributaries of the Royal Crown, is true, and that they are five hundred and sixty four, all young, healthy and strong; and that in order to actually certify to this roll, we visit their tribes, as it is expressed in the note we send to that effect,—there being wanting (besides those in His Majesty's service)—those now in the forts of Santa Tecla. This is what we can truly say as to this question, without any falsity whatever. In virtue of which we sign this on the third day of the month of February, one thousand seven hundred and seventy five.

PABLO NAVARRO.

For the Mayor RAPHAEL UBARIRÉ and others of the Council:

JUAN CHUXÉ,

*Secretary of the Council.*

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(Here follow the names of the five hundred and sixty four Indians above-referred to in the certified roll of the pueblo of Corpus-Christi, to be read in detail in the original roll, group A, No. 24, of the manuscript documents of the «Argentine Evidence. —The roll of the pueblo of San Xavier is found in the same group and number.





1776

### INSTRUCTIONS

**Given by His Majesty to Don Pedro Cevallos, for his guidance  
in all matters pertaining to the political and fiscal Govern-  
ment of the Provinces of the River Plate and others  
herein expressed. (\*)**

THE KING:—To Don Pedro de Cevallos, Knight of the Royal Order of San Genaro, Commander of the Sagra and Canet in the Order of Santiago, Lieutenant General of my armies, Councillor of continuous assistance in the Supreme Military Court, Governor and General Commander of Madrid and the districts thereof, and Captain General of the expedition that I have resolved to send to the Provinces of the River Plate:—In consequence of my having appointed you, by Royal Letters of the first of this month, Viceroy, Governor and Captain General of all the Provinces and territories included in the district and jurisdiction of the Royal Supreme Audiencia of Charcas, and of my having given you in the reserved way of the War Department another Royal Letter, dated on the fourth instant, which was communicated to you through the Ministry of the Indies, advising you as to every thing you should observe in the Military Expedition, which is to be the principal object of your mission, I have resolved to give you these Instructions for governing, so that you conform your conduct to them in the discharge of your political and fiscal duties in the said Provinces, as Viceroy, Governor, Captain General and General Superintendent of the Royal Treasury in them, and for this purpose you will observe with punctuality and exactness the following Articles :

I.—As soon as you arrive at Montevideo, or at any other place of the

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(\*) This is a translation of the original document existing in the General Archives of Indies, which, in a copy duly legalized by the United States Consul at Seville, is accompanied in group A, No. 25 of the manuscript documents of the « Argentine Evidence. »

Province of Buenos Ayres, you are to deliver to the Governor of the said Province, Juan Joseph de Vertiz, the Royal Letters of mine, which are addressed to him through your hands, so that he shall recognize you as such Viceroy, Governor and Captain General in Chief, and deliver to you the superior command of the troops, fortified places and territories which are included in his office, he remaining under your immediate orders, as Sub-Governor of that Province, in which it is my will to keep him on account of the integrity and zeal with which he has served me there.

II.—As soon as the Superior Office is entrusted to you, you will send the other Royal Letters that you carry for the Viceroy of Lima and the Presidents of Chile and Charcas, and the open Orders that are sent by the reserved way of the Indies to the Governors and Royal Officers included in the district of the new Viceroyalty which has been entrusted to you.

III.—You will not permit that, on account of your reception nor on any pretext whatever, demonstrations be made in the Capital or other towns which will cause expense to the inhabitants or municipalities; nor will you allow in the churches in which you enter, to be received with Pallium/ as this Regalia is reserved only to my Royal Person, and as it is justly prohibited by the Laws of Indies.

IV.—In regard to the principal end of your Commission which is to make war on the Portuguese of the frontier who trouble those dominions of mine, and for attaining this important object you will take sufficient veteran troops, besides those belonging to the sea forces; you will not create a company of halberdiers for your guard, although this is a prerogative which I have granted to the other Viceroys of the Indies who have their residences fixed in the Capitals of Lima, Mexico and Santa Fe.

V.—Since for the transportation of the troops going under your orders, provisions and other things for the Expedition, it has been necessary to charter a large number of merchant vessels, the monthly expense of which is of the greatest consideration, I request you that if you can conquer the island of Santa Catalina before going to the River Plate, and should you not need all the land and naval forces, you may order the remaining to go directly to Buenos Ayres, and that in this case you resolve in accordance with the General Commander of the Navy and the Minister of the Treasury, and send to Spain the ships which you may consider will not be required for the return of the troops which, after the conclusion of the expedition, are not to remain in those Provinces.

VI.—So that no provisions will be wanting for the said embarkations of transport, for those you will determine to send back from Buenos Ayres, the proper orders have already been given to the Governor of that Province, urging him to collect abundant flour and salted beef for this object; and to succor the Expedition in case you go directly with it to the Island of Santa Catalina. And since this point of the provision of salted beef is always of the utmost importance, I ask you to look to it very particularly until you place it, if possible, in a proper state, during the period of your Viceroyalty.

VII.—The Rules according to which you are to proceed in your Govern-

ment, are wisely foreseen in the Recopilation of the Laws of the Indies, and especially in those of Title III, Book III, and many others which treat of the Viceroy, Governors, Captain Generals and Presidents of the Audiencias of those my Dominions, and you are to observe them and see that they are kept with the greatest exactness in the District under your charge, and during all the time that you be in office until you embark to return to these kingdoms; complying also with the Royal Letters given, and the orders communicated, and those which may hereafter be addressed to you by my reserved way of the Universal Despatch of the Indies.

VIII.—As you are Viceroy of all the Provinces belonging to the jurisdiction of the Audiencia of Charcas, you are to exercise over them the General Superintendence of my Royal Treasury with the only dependence to my reserved way of the Indies, you are to procure by all means possible and suggested by your zeal and prudence, that the administration of the branches of my Royal Treasury be carried out with vigilance and purity, so that they will have the just increase that the actual circumstances require and made necessary by the high expenditures which will be made in the war brought about by the perfidy of the Portuguese, and their repeated insults to my flag, my dominion and my vassals.

IX.—For the purpose of raising to their due values my Royal rents of Peru, Chili and Provinces of the River Plate, I have appointed a General Visitor to all the Courts of Justice and offices of the Royal Treasury, and although by a despatch of this date I order you to give all the aid needed to the said minister and subdelegates, so that they completely discharge my Commission and Royal Instructions, I request you very especially by this, that at the same time that you allow them to proceed with liberty, you sustain their steps and favor in every manner asked. their execution.

X.—Considering that the accounts of my Royal Treasury of Potosí, and of other Provinces of Charcas, have always been sent to the Audiencia of Lima to be audited and liquidated, and that those of Tucuman, Paraguay and Buenos Aires are submitted now to the general auditing office established in this last Province, you will do nothing in this respect, as there is a sufficient number of auditors in the Audiencia of Lima, and it not being possible for the Chief Auditor of Buenos Aires to examine and decide upon them, especially at present, when he is to take charge of those of Mendoza and San Juan del Pico which before belonged to the Government of Chili and I have now added to your Viceroyalty.

XI.—With the object of putting in due order the mint of Potosí, its Royal vaults, the Direction of the Bank of quicksilver and the Administration of Justice of that city and the district of its mines, I have resolved that one of the Ministers of the Audiencia of Charcas, be the Mayor and Superintendent of said mint and Bank of quicksilver, and to this end I have appointed the Associate Justice of the Royal Audiencia, Jorge de Escovedo, with my commission and for the time which I may desire, so that afterwards the other ministers designated by me will alternate. Knowing this and that I have also advised the General Visitor of Peru to proceed as soon as possible

to arrange all the affairs and branches of Potosí, you will efficaciously contribute with your authorities and dispositions, so that in this part, my Royal intentions shall have due effect, since this is of the greatest moment to my service, and there will be thus provided sufficient amounts with which to meet the large expenses of the military expedition.

XII.—One of my principal cares being the prompt and honest administration of justice to my loved vassals, I have created, with this purpose in view, two offices of Regents of all my Superior Audiencias of both Americas, and in order to avoid difficulties and competition between the new Magistrates, the Viceroy and Presidents, I have given printed Instructions, sent you herewith, in which the powers of each are prescribed, and, therefore, I order and request you that, after having acquainted yourself of their contents, you concur efficaciously to their obedience and observance in the part referring to yourself, leaving the administration of justice and the good conduct of the Audiencia of Charcas in charge of the new Regent whom I shall appoint for it.

XIII.—Among the duties more to be recommended of the Viceroy and Governors of my Western Indies, there is the one of procuring with all efficacy and care that the fruits and products of the territories of their respective charges increase and the national commerce with these Kingdoms be encouraged and it having been ordered, since the discovery of America, by Law XX, Title XVIII, Book IV of the Recopilation of the Indies that the Viceroy and Governors should see that linen and hemp be sown and benefited, and that they procure that the Indians devote themselves to this improvement and cultivation, I request you to give your care and attention to the obedience and observance of the said Law in all the places and territories which may be deemed convenient for the sowing and benefit of the hemp and linen, with the purpose that these products may be brought to Spain free of duty and be used in the important manufactures of cloths, canvass and ropes.

XIV.—You will equally take care, and with the same attention, that in all the Provinces under your charge the Indians and the other castes which constitute the plebe, devote themselves to the labor and cultivation of the fertile lands where they live, strictly requesting the Governors and other sub-Judges to give their greatest attention to this point, so that they will avoid the serious troubles produced by indolence and misery among those natives.

XV.—According to the previous advices of the Governor Juan Joseph de Vertiz, there are several Portuguese residing in the capital of Buenos Ayres who maintained secret correspondence with the Colonia of Sacramento, and since in the Military Instructions of the fourth of this month, I have commanded you to send to distant countries of Peru the individuals of the said nation which may be conquered, not being military persons, I advice and order by this that, making the due inquiries, if they are not already made, as to those who were accomplices, in such a crime of treachery, you shall impose upon them the corresponding penalty, and in order to avoid its recidivation make all the Portuguese inhabiting my Dominions leave that Province and

those of the frontiers of the Dominion of Brazil, sending them to the interior ones of Peru or Chili, with absolute prohibition to again return to their present residences.

XVI.—As the present constitution of South America leads to the supposition that it will many times be the seat of a war, and that in these circumstances it is necessary to take all possible advantage of its own forces and means, I request you to raise all the militias that can be formed in the Provinces under your charge, giving for this purpose commissions to officers of good character, and taking the most efficacious and opportune steps for their uniform, armament and discipline, and on the termination of the present Expedition you are to arrange the annual share of monies, and the appropriations for the veteran troops and the vessels of war which you may consider necessary for maintaining those frontiers and the River Plate respected and in defense.

XVII.—I finally advise you that the Paymaster, destined to the Military Expedition, with Instructions given by my reserved way of the Treasury, a copy of which will be communicated to you, is to take care of the monies and of every thing financial until the conclusion of the Expedition and your return to Spain with the forces which you may not deem necessary in those Provinces, but it is to be understood that on account of your character of Viceroy which I have given you, you are to exercise the functions of General Superintendent of the Royal Treasury during your period of office and the said Paymaster and his inferiors Auditors and Treasurers of the army will be subordinate to you and under your orders and disposition in what refers to the collection of all amounts to be delivered to the Treasurer of the Expedition by the Royal officers of the Head Treasury of Buenos Ayres, with the intervention of the High Auditor of that district. And you will request to the ones and to the others to keep their respective accounts with their respective vouchers and with due clearness so that their examination, liquidation and balancing may be easy; on your part you will see above all that the troops are punctually aided and with equity, their salaries not to be totally paid to them, until the end of the war, so that the interest and hope of collecting them shall keep the soldiers in my service and prevent their desertion. And since by my said Royal Letters of the first of this month I have appointed you Viceroy, Governor and Captain General of all the Provinces under the jurisdiction of the Superior Audiencia of Charcas, I have granted you ample powers and extraordinary prerogatives; I have confidence in your zeal, accredited conduct and love for my service to be sure that you will fulfil with all exactness and vigilance every thing entrusted to you in this Instruction, which I have ordered to be given, signed with my hand and countersigned by my undersigned Secretary of State and of the Universal Despatch of the Indies, and also every thing else that you are to execute in obedience to the Laws of those Dominions, Royal Letters and Ordinances, and that you will correspond to your great obligations and to my sovereign confidence. Given in San Ildefonso on the fifteenth of August one thousand seven hundred and seventy six.—I, THE KING.—There is a scroll.



1784

**COPY OF THE LETTER**

**of the Viceroy, Marquis of Loreto, bearing date Buenos Ayres,  
July 4th, 1784, to the Intendant Governor of Paraguay,  
placing him in Command over the Pueblos of Misiones, in  
accordance with the Regulations of Intendants. (\*)**

As upon my starting to fulfil my charge, I found the pueblos of Misiones of Uruguay and Paraná were under your immediate jurisdiction, I proceeded to take steps in order not to retard the measures which those parts demanded; in the meanwhile, as in other places, setting to work to establish the complete fulfilment of the New Royal Ordinance, for the establishment of Intendant Governors. Now, in conformity to it, and agreeably to my resolution of this day, I have sent on this date, an official notification to the Intendant Governor of this province, placing him in command over the seventeen pueblos that correspond to his district, and I place Your Excellency in charge of the thirteen pueblos remaining, without thereby holding myself less ready to proceed with my aid, and superior authority, whenever it may be necessary; advices of these appointments, having been already sent to the pueblos, to the protector of the natives and to the Administrator of their estate. May God preserve Your Excellency many years. Buenos Ayres, the fourteenth day July, one thousand seven hundred and seventy-six. EL MARQUÉS DE LORETO.—To the Intendant Governor of Paraguay.

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(\*) This is a translation of the original document existing in the General Archives of India which, in a copy duly legalized by the United States Consul at Seville, forms part of Group A, No. 26 of the manuscript documents of the "Argentine Evidence."





1803

**ROYAL LETTER,**

**Given at Aranjuez, on the 17th of May, 1803, appointing  
Don Bernardo Velasco Military Governor of the Thirty  
Pueblos of Misiones on the Rivers Paraná and Uruguay. (\*)**

By the Royal letter dated the seventeenth day of May of last year, establishing a new method of Government in the pueblos of Misiones, on the Rivers Uruguay and Paraná, the incorporation to the Crown of all the encomiendas subsisting in that province, in opposition to the former sovereign resolutions already executed in the greater part of these dominions, is ordered, without admitting to the holders any resource that may embarrass its effective reversion. And, in order that you may carry into a full and due effect this just mandate, and thus you may issue the suitable dispositions for the fulfilment of the aforesaid Royal letter, a copy thereof I give you, recommending you to give an account of its results.

So may God preserve you many years. Buenos Ayres, twelfth day of June, one thousand eight hundred and one.—MARQUIS DE SOBRE MONTE—To His Excellency the Governor Intendant of Paraguay.

**THE KING:**

Viceroy Governor and Captain General of the provinces of the River Plate, and the President of my Royal Audiencia of Buenos Ayres:—Upon consultation of the twenty-seventh day of April, one thousand seven hundred and seventy-eight, of my Supreme Council of Indies, I have been pleased to approve only upon the condition of provisional ordinances and instructions, formulated by the Captain General of those provinces for the successive Government of the thirty pueblos of Indians Guaranis and Tapes, situated on the borders of the Rivers Paraná and Uruguay, with the additions and preven-

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(\*) This is translation of the original documents existing in the Argentine National Archive and in the General Archives of Indies which, in copies duly legalized, form part of group A, No. 27, of manuscript documents of the "Argentine Evidence."

tions proposed to me by the above-mentioned Council; in consequence of the reports which had been presented to it by the Extraordinary, one of them being that the Governor was to give an account of the effect it should produce ; and as no communication has come to hand since then on the results, until on the twenty-fifth day of February, one thousand seven hundred and ninety-five, the Superintendent of the extinct Direction of Temporalities signified that, during the term of twelve years, only one circular provision had been sent out, on the thirty-first day of January, one thousand seven hundred and eighty-four, addressed to the Viceroy, to the Superintendent and Reverend Bishops of Buenos Ayres and Paraguay so that, they might individually inform about the spiritual and temporal Government of the Misiones which were under the control of the Regulars of the Order. Not having happened that the said information be evacuated, I was pleased to determined, that the above-mentioned Council should consult me upon what might be deemed expedient. Having regard to the antecedents which it had about the spiritual and temporal Government of the aforesaid pueblos, and which would be the most convenient of the the letters and informations that have been had at sight from the late Viceroy of those provinces, Marquis de Avilés, Superintendent Don Francisco de Paula Sanz, Reverend Bishop of Paraguay, his Chapter and the Administrator, General Don Manuel Cayetano Pacheco ; thus it results that the pernicious communal rule under which the said pueblos have been hitherto governed, is the most ruinous for them and that, were that rule to perdure, they would never improve: The said Viceroy evacuating the information asked from him, in his letter of the eighth day of May, one thousand eight hundred, after proposing the means which he esteemed convenient as to answering the natural civil constitution of said natives, proposed to grant them the same freedom enjoyed by the Spaniards, and to restore to them their individual property, and the fathers' rights over their sons, so that they should live under the protection afforded by the law, ruling themselves accordingly and observing the ordinances of Peru, in all that which might be adaptable, and those of Captain General Bucareli, in all that which should be deemed expedient in the critical circumstances of passing from an ignorant and rude state to one of enlightenment and freedom ; thereby extinguishing the encomiendas of Paraguay and those of the pueblos " Mitayos," of the Paraná and Uruguay. My said Viceroy having resolved, in consequence of my Royal order of thirtieth of November, ninety-eight, to grant freedom to three hundred heads of families, to whom lands and cattle were adjudicated with only the moderate tax of a dollar imposed upon them from some time ago, with which measure he expected to be able to enliven the energies of the rest ; and in fact, the news by the said Viceroy communicated in his letter of the eighth day of March, one thousand eight hundred, containing the advice of the inexpressible rejoicings of the pueblos for the freedom he gave to three hundred heads of families, by a writ bearing the date of the eighteenth day of February of said year, according to what he had been informed of by the curates and chapters ; the Indians having thereon devoted themselves to the rebuilding of their dwellings, the manuring of their

respective lands and every other occupation of agriculture and industry ; they being already exempted of the obligation of communal labor, and in possession of all the rights they had been in want of, the number then amounting already to six thousand two hundred and twelve of both sexes, and of all ages, now living with their respective families ; and my Viceroy ended his report by specifying the divers measures he had taken to establish the system of freedom among the Indians of the above-mentioned pueblos.

This being examined by my Council; conjointly with the information obtained of its Accountant General's office, and that stated by my Attorney General, and having been consulted upon it, on the twenty-third day of November of last year, I have been pleased to order that the said pueblos be brought to the new system of freedom of the Indian Guaranis, proposed and began to be executed with success by my late Viceroy of those provinces, Marquis de Avilés, and in order that it may be verified, with the consequent advantages, I have deemed very convenient the congregation of said pueblos, under one single Government, comprising all the Misiones, as it happens with those of Maynas, Mojos and Chiquitos, to which end I have conferred the military and political Government, which I have been pleased to institute by my Royal decree of the twenty-eighth of March of this year, to the Lieutenant Colonel Don Bernardo de Velasco, so that he may have the command over the thirty pueblos of the Misiones Guaranis and Tapes, with full independence of the Governments of Paraguay and Buenos Ayres, under which they are at present divided. The creation of a Government in that quarter being very important, and I have also been pleased to order that all and whatever encomiendas existing in Paraguay, in opposition to my Royal letters, already executed in the greater part of my dominions in America, be immediately incorporated to my Royal Crown, without allowing the holders any recourse that may embarrass its effective reversion, as no just right assists them for so doing, and this my Royal resolution is to extend to the ancient " Mitayos "—the Indian to be gently induced to pay the tribute in the proportion established. That land and cattle shall be unsparingly distributed to everyone of those having them in excess for their subsistence and that of their families, as well as for the encouragement of their agriculture and industry, and moreover, that lands proper for communal purposes, pueblo uses, pasture grounds and other necessities according to laws and ordinances of township, be designated without being borne by the prescription, fixing a league to every quarter, as there is plenty of land for every thing ; that great caution is to be taken, so that within their limits, the Spaniards may not acquire any lands, as the experience has shown them as always ending by the seizing all, or the greater part of the land in possession of the Indians ; and I forbid the Indians to sell the land allotted to them, so that they might hold them as entailed to their families, applying themselves to have them cultivated and well provided with cattle ; and I order that in every town a school for the teaching of the Spanish language be established, the teachers' salary to be paid from the municipal or the communal treasure, under the absolute prohibition of their receiving any other reward or present, be it in fruits or in coin, so that no one

may fail from attending or sending those depending on him, care being taken that this christian teaching of civil and political instructions in the essentials, be placed in the hands of persons of learning, probity and good behavior, for the great influence they may have upon the pupils owing to their early age ; and I order that with equal solicitude the parishes of said pueblos be entrusted to persons of certified ability, virtue and other good accomplishments, upon the condition of keeping the necessary Vicars, for the sound spiritual administration of all their parishioners ; assigning to you in conformity with the Prelates of Buenos Ayres and Paraguay the corresponding synod for their honest support on the branch of tributes, making them understand that their merit and the services they may render, shall be rewarded with their promotion to some other more beneficial preferment without the exclusion of prebends and cathedral dignities ; endeavoring to appoint to such persons of legitimate birth, education and competent illustration ; and lastly I have been pleased to approve the measures of my above-mentioned Viceroy, Marquis de Aviles, and to most earnestly recommend you that until the total improvement and new government of these pueblos be settled, an annual account be rendered of their condition and improvement; doing all that you may deem convenient for its progress, all what I impart to you, so that, as I order, is to you may have a fulfilment mentioned in my Royal resolution, which you shall communicate to the Governor of Paraguay and that of the said pueblos and to all whom it may concern ; for such is my will.

Done at Aranjuez on the seventeenth of May, one thousand eight hundred and three. I, the KING.—By order of the King our Lord, *Silvestre Collar*..—Three signatures.

1805

**Title of Intendant Governor of the Province of Paraguay,  
adding thereto the command of the Thirty Pueblos  
of Misiones, conferred to Don Bernardo  
Velasco. (\*)**

September 12th, 1805.

Don Pedro Cevallos, on the date of September the twelfth writes to me as follows:—Your Excellency: The Board of Fortifications and Defence of Indies, in its consultation, the eleventh of July last, has reported to the King as follows:—Sir: The consulting Board of Fortifications and Defence of Indies has examined with the greatest attention the despatch addressed to your General in Chief, dated the fifteenth of February, one thousand eight hundred and four, in which the Intendant Governor of Paraguay sets forth the difficulties met with in trying to get into active shape the corps of militia, ordered by the decree of January the fourteenth, one thousand eight hundred and one, in consequence of the considerable number of individuals who have bound themselves to the contract of the « Royal Tobacco Tax, » stimulated to this step by the exemptions conceded by the director of this department at Buenos Ayres, which have been authorized by the Viceroy of that Province. In this document the Intendant Governor sets forth, that in following out the above-mentioned decrees, great harm would result to the Royal income, and in it he also represents the sad state of decadence in which the militia corps are at present, and the urgent necessity of attending to the defence of that province. The Board would say to Your Majesty that it deduces from the contents of the said Governor's reply, that the question lies with the Director of the Tobacco Tax in the Viceroyalty of Buenos Ayres who, seeing that this income was disappearing, because Paraguay did not supply him with suffi-

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(\*) This is a translation of the original document existing in the Argentine National Archive, which, in a copy duly legalized, forms part of group A, No. 28, of manuscript documents of the " Argentine Evidence."

cient tobacco with which to pay for the stamps of the Viceroyalty, put into practice, with his Viceroy's approbation, what has been done in similar cases at other parts of America—that is, to make a contract with a number of individuals who would bind themselves to sell to the contribution office at least twenty-five arrobas per head, freeing them from the obligation of military service and all other public taxes, in order to stimulate their endeavors to the desired end. The Intendant Governor sets forth this innovation would result disastrously, and demands that according to the custom of former times the Tobacco Tax office shall buy all the tobacco of good quality that the inhabitants of that province shall voluntarily cultivate; explaining not only the frauds and abuses that the contract system has given rise to, but also the fact that because of the contract system, one thousand six hundred and eighty-three individuals who have entered into it, and their children and overseers and laborers, are totally exempt from military duty; and therefore there is not enough people to defray the expenses of the State and to defend the province from the dangers to which it is exposed on the part of the Portuguese, not less than from the barbarous Indians. Wishing to have an impartial report of the system of military government and of the political methods of that province, as well as of the nature of the contracts made by the « Royal Tobacco Tax, » and of the results of said system, the Board has heard, by word of mouth and also by writing, the opinions of Don Félix Azara and Don Miguél Lastarria. The former is the consulting lawyer of this Board, who has lived a long time in the country under discussion, and his knowledge on the subject is extensive; and the second is a person of instruction and talent, who has enjoyed many opportunities and has had much constancy and desire to post himself on this and other branches that relate to the Viceroyalty of Buenos Ayres; and having weighed all these considerations, the Board has agreed to express itself to Your Majesty as follows: It appears doubtful that the Royal Tobacco Tax, such as it is established in that Viceroyalty, can be of any use to the treasury; however, if it be deemed advisable to keep it up, the Board does not think it can be done in the way suggested by the Governor, because experience has already proved that system to be insufficient. From this viewpoint the Board is of the opinion that the system of contracts and exemptions shall continue, such as it was established by the Director; but that special efforts be directed to exterminate the abuses it occasions, and that they be reduced to the smallest possible number, in order to diminish the laziness it gives rise to, and to injure, as little as possible, the public and military state.

With the object of achieving these ends, the Board is of opinion that the contracts calling for the supply of tobacco should not be made by the Director, as is done at present, nor less still by his agent, be he a property owner or one holding the land *ad interim*, but by the Intendant Governor of Paraguay himself, as he is the only one who can make them less arbitrary and can clear them of the abuses they contain, as he is at the same time the person most interested that their number shall not be excessive, so as not to find himself without men or troops on whom to call; he is the only person who

can compel their fulfilment, and the only person, according to the actual provincial system, who can keep in existence said tax. He is also the only person interested in the fact that the number of the contracts shall not be greatly diminished, because the Tax office would call him to account by reason of a lack in the tobacco supply. In order that everything shall work smoothly, the Board thinks that the Governor should punctually and in advance, give notice to his agent of the number of contracts and of the stipulated arrobas from each one; not only that the Tax office be certain that the necessary amount of tobacco is to be supplied, but also that the examiners shall see the crops and plantations of the contracting parties, in order that frauds may be prevented on the part of the latter, and that the examiners may be enabled to help the planters, as is sometimes necessary, furnishing them with whatever they may need; and the Governor shall see to it that in the books of the tobacco factories, where are recorded the quantities of tobacco bought by the Tax office, there be marked the quantity that is really needed, because the Director or his agent *ad interim* have closed contracts with one thousand six hundred and eighty-three persons at twenty-five arrobas each, that should turn in a total of forty-two thousand and seventy-five arrobas, when the Board is informed that with half that amount the tax would have been paid for. It would likewise be advantageous for the Governor to order, in imitation of the Governor that preceded his predecessor, that the Indians under his command should enter into a contract to cultivate and to improve tobacco in proportion to their ability, which would result in the production of about six thousand arrobas, without injuring the military service, because these Indians do not render any military assistance, and they would derive greater benefit devoting themselves to tobacco growing than to any other branch.

The Board recognizes that this plan can only be practiced so long as the system of commercial Government shall exist, which form of Government Your Majesty has already decreed shall be abolished; but when this shall be carried into effect it will be an easy matter to order that the tributes be paid in the form of tobacco. The Governor shall decide for himself whether in order to stimulate the cultivation of tobacco, it will be sufficient (as the opinion of the Board leads it to believe) to exempt the contracting parties from military service, leaving them to fulfil the other burdens of the State, and the proper distribution of contracts and their payment and accounts, shall also be left to the Governor's decision. In like manner, the Governor will be careful that no contract be entered into with those who are not agriculturists, and that these contracts shall demand twenty-five arrobas from the poor; but when made with a person in easy circumstances, that the sum be larger, according to the party's resources, and finally that the Governor himself shall exact the fulfilment of the contracts, punishing and levying fines, proportionate to the breach of contract, and not permitting more than one packer for the wholesale tobacco storage house at Asunción. These are the principal frauds and abuses of which the Governor complains, and the remedy for which must be left in his hands, inasmuch as the supply of tobacco also rests on his responsibility. The Board opines that what has already



been set forth is all that can be decided upon at this moment, not only to conciliate in so far as may be possible the controversy of which the despatch treats, but also to keep up the Royal Tobacco Tax in that Viceroyalty. However, it does not thereby assert that the measures indicated will be sufficient to supply the said Tax office with the purchase and quantity of tobacco it needs, as the Board is informed that in the actual state of this Tax office it cannot pay a bigger price, and that nearly all the inhabitants of Paraguay find it more profitable to occupy themselves in cultivating other things than this plant. The Board also knows that the tax on tobacco cannot be made profitable to the State unless it be effectively aided by the Governor; and as it sees that the Governor is acting in opposition to it, the Board foresees new disputes that shall ruin the said tax and its legal resources, and suits will be interminable. Upon this point, as the Governor is irreconcilably opposed to the destruction of the tyrannical communal Government of the Indian pueblos, as Your Majesty has already ordered, the Board would make known to you that it would be of advantage, provided it meets with His Majesty's approbation, to relieve of said charge that Governor, who it appears has already served a double term, more than the one usually filled by Governors in America; to which may be added, that the Board being engaged in meditating a new military plan for that province, which it imperiously needs, cannot expect the said Governor to execute and put it into practice, a further obstacle to which is the fact of his low military grade, which is simply that of Lieutenant with the grade of Captain. And as the said plan must necessarily embrace the defence of the Guarani Misiones, which are adjacent, the Board would say to Your Majesty that it would be very desirable that Colonel D. Bernardo Velasco, Governor of these Misiones, and a person who possesses in abundance the honesty and talent required, should unite in his person, for the present, the two Governments of Paraguay and of the Misiones, because in this way the new system relative to the defence of said provinces shall be put into execution well and efficaciously, and Your Majesty's will, directing that liberty be granted to the poor Indians within them, shall be fulfilled.

Besides what has already been set forth, it has appeared proper to the Board to make known to Your Majesty that there exists in Paraguay what is called « Funds for War, » which is now an amount of some consideration, and are subject to the will of that Governor without previous notice to the Viceroy or the Royal Audiencias, and in this regard the Board is of the opinion it would be to advantage were these funds administered from now on, as the other sources of the Royal Exchequer, by the Ministers of Finance, keeping separate accounts and leaving the funds in deposit, because the Board will be obliged to make use of them whenever the question of the defence of the country should turn up.

This subject having been brought to the notice of the General in Chief, he has decided this opinion is well founded and may be carried into effect, and if the funds for which the Governor is responsible pass into the control of the Royal Exchequer, they may be considered as existing apart, and credited to a separate department.

He also presented the following letter at the consultation of the eighteenth of the same month:—Sir: The Executive Board of Fortifications and Defence of the Indies held a consultation with Your Majesty on the eleventh instant, upon the representation made to you by the Intendant Governor of Paraguay, in which he complains of the method recently established in that province, to supply with the amount of tobacco it needs, the Royal Tax office of that plant, established in the Viceroyalty of Buenos Ayres. In it he says that the exceptions to military duty, which are caused by this motive, do not leave him enough men to form his militia or to defend the country against the urgent dangers in which it finds itself, or even to fulfil the other public duties. Subsequently the Board has received another despatch from the same Governor, in the same vein, which has already been read in your Council of War, and the advice which this Governor solicits from Your Majesty; and the Board being obliged by reason of this to again consider its decision upon the subject, the Board does so now, prefixing some observations it omitted in its previous consultation relative to the person of the said Intendant Governor. The latter has forwarded his appeal, without the knowledge of the Viceroy of Buenos Ayres, who is his immediate chief and who resides at the capital, precisely the way by which it was addressed by the Governor. He complains that the Viceroy has not replied to his repeated letters during three years, when the Board is informed that at least he received an answer to his letter of February the seventh, one thousand eight hundred and one, and that when he wrote to your General in Chief complaining of the silence of the Viceroy, sufficient time had not elapsed to enable the Viceroy to answer his letter, dated January the eighteenth of the same year. These facts do not furnish the Board with the best proofs of the said Governor's sincerity; neither is his sincerity proved to the Board's satisfaction, when it sees that he has made his appeal through different channels, namely, your General in Chief, the Minister of War, and the Council of Indies. His affected style, which is wanting in respect to his superiors, equally indicates his animosity towards them and towards the Director of the Tobacco Tax; and one is led to infer that in everything he says there is wanting that frankness which should be conspicuous in all who have recourse to law and justice, as it is administered by the high tribunals and by Your Majesty himself. As a matter of fact, D. Miguel Lastarria, in his report, remarks to him that he supposes a paragraph in the official communication of the Marquis of Avilés, which in reality does not exist, and that he does not reply to all the rest of the communication, which was a direct answer to all he had written about, and to which, the Governor now says, he never received an answer. The Attorney-General of your War Council, after remarking that they do not speak with the knowledge of either the Viceroy or the Board of Tobacco as they should do, in order to decide with good results, propose the following means so as to close the subject: First, that until the Viceroy and said Board give in their decision, the Royal Tobacco Tax should be supplied with tobacco, as proposed by the Intendant Governor, according to the method by which it was furnished in its earliest years; and should this method not be

feasible, they propose this second plan: that the tobacco be supplied to the Tax office by means of the contracts lately established and so impugned by the said Governor, but with the care to purge it of its abuses.

Your Council of War has adopted at its meeting the first of the means proposed by the Attorneys, and the same would have occurred at this Board had not the Board enjoyed the opportunity of hearing, orally and by writing, Don Felix Azara, the consulting lawyer of the Board, and Don Miguel Lastarria. The former lived many years in Paraguay and has an extensive knowledge of the military and political system of that province; the second was precisely the man who, as Secretary to the Viceroy, the Marquis of Avilés, wrote the correspondence between the said Viceroy and the above-mentioned Governor, whose reports accompany this information, by which are seen the reasons and reports he has addressed to this Board in particular. By them is seen that the military service in Paraguay is not as effective nor the dangers of that province as urgent as the Governor would lead us to believe, and that the system he wishes to re-establish for the supplying of tobacco, and that the Board adopts for the present, is insufficient, and brings along with it the ruin of the tax, as experience has demonstrated; because having seen and realized this loss, gave rise to a change in method and to the establishment of the last system of contracts. The Board, after the foregoing remarks, repeats its former reports in its integrity, believing that by the proposed means there will be a considerable decrease in the losses, inevitably associated with the contract system, and that the abuses which have crept in as, a result of it will be largely corrected. This is precisely the second measure proposed by your War Council's Attorney-General, although the Council has not adopted it. The Board would also insist in declaring to Your Majesty that for the present it would be a great advantage to unite the Government of the Thirty Pueblos of Misiones of Guaraní Indians to that of Paraguay, placing at its head the Colonel Don Bernardo Velasco, not only because of the reasons set forth to Your Majesty, at the Board's previous consultation, but also because it is a difficult task for the Governor of Paraguay to put into practice the abolition of Encomiendas of Indians, so often ordered by Your Majesty, and finally decided upon on May the seventeenth, one thousand eight hundred and three, without it having ever been carried into effect.

This report likewise having been examined by the General in Chief, he has decreed, as herein appears, in belief that if Velasco does not conquer these obstacles now there will never be another opportunity to destroy them.

And His Majesty, having seen fit to agree with the opinion of his General in Chief, I make it known to Your Excellency, for your information and fulfilment in the part that relates to you, in the understanding that you will forward the enclosed Royal Decree to the said Intendant Governor Don Lázaro de Rivera, that he, on his part, shall also comply with its decrees. May God guard Your Excellency many years. Buenos Ayres, March the twenty-fourth, one thousand eight hundred and six.—THE MARQUIS OF SOBRE MONTE.—To Señor Don Bernardo de Velasco:—

1806

**Relating to the necessary expenses of the new town, which  
it has been ordered shall be established at the junction  
of the Ibicui and Uruguay Rivers. (\*)**

The rapidity with which the frontier Portuguese have been capturing and continue to slyly capture the lands situated on the western part of the Ibicui, Santa Maria and other rivers, under the pretext that those grounds are not inhabited, demands that with the utmost speed, this Superior Government shall take the most rapid and active measures to check them. Among other steps I have dictated, in order to accomplish this object, I consider it of the greatest importance, that in the western coast of the Ibicui river, and on the most convenient spot near its union with the Uruguay river, there be established a strong town, with Indians, whose heads of families shall not be occupied in fulfilling important places, and others who shall voluntarily decide to reside there: to whom shall be distributed all the lands they may wish, and they shall be defended by one hundred select militiamen, should this number be made up, which I believe is possible with the forces your Excellency has at this moment and they shall guard that point as the last limit on the part of the frontier line, your Excellency coming to an agreement in this point with the Commander General of the Campaign and the Lieutenant Colonel Don Francisco Xavier de Viana, about the Commission with which he is charged of settling said frontier and locating the settlements. I have deemed it proper to entrust the fulfilment of this important measure to your Excellency's zeal and activity; hoping you will carry it out with the celerity it de-

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(\*) This is a translation of the original document existing in the Archives of Argentine Department of Foreign Relations which forms part of group A, No 29 of manuscript documents of the "Argentine Evidence."

mands, in order that the frontier Portuguese shall not get ahead of us; I with the reserve that is necessary, so they may not see through our intentions, I hope you will make our plans known to the Lieutenant Governor of that Department, Don José de Lariz, that he may begin at once to take measures and make arrangements for the enterprise, taking care that nothing shall be done openly until everything shall be in readiness, and also, being careful to inform me of everything, that I may give the necessary orders for the moving of the troops that may be needed to aid you, and sustain you in the carrying out of so important an enterprise. May God guard you many years.—Buenos Ayres, September 14th, 1805.—THE MARQUIS OF SOBRE MONTE, to the Governor of the Province of Guaraní Misiones.—This is a copy.—*Sallego.*

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In view of the superior decree which your Excellency transmit to me, bearing date of September 30th, in which His Excellency the Viceroy Marquis of Sobre Monte, wishes to put a rapid and effective stop to the alacrity with which the frontier Portuguese are taking possession of the territory on the western coast of the river Ibicui, by our forming a strong settlement, with the Indian families that may be situated about, without any special advantageous circumstances, and those who may voluntarily wish to settle in the said new town, that shall be situated at the spot most convenient to and nearest to the junction of the said Ibicui river with the Uruguay, where they shall be supported by one hundred militiamen, and grounds shall be distributed among them according to their needs, I must express myself to your Excellency, as I shall do, in the following order:

A hundred families of Indians applied at once to form the new town, without counting those who are coming over from already established towns, occupied by the Portuguese; because, having had it circulated among those natives, that here they would be well received, and they would get all the lands they needed, so they could established themselves, thirty-five have arrived in a few days; and these have told me, they are obliged to undergo great difficulties to come over, as they have no horses on which to bring their children to the shore of the Uruguay: and others, though they start to come here, cannot cross the river as they do not know how to swim; and also, because they expose themselves, on that account, to be arrested and punished by the Portuguese. These obstacles shall be greatly diminished, if we, on our part, should place an armed force on the western shore of the Ibicui, because, besides those towns having the defensive troops nearer, in the summer, the natives can pass the river without swimming, and they would always find the protection and security of our Spanish forces. In this manner, this town shall become the largest of all those of Misiones, and it shall prosper wonderfully, because of the excellent pasture its grounds offer for the breeding and cultivation of flocks and herds.

These families, once established here, the most important thing is that they establish a farm for cattle to graze in, and that these cattle be distributed among them with equity, and let this farm for the time being, their

supply of food, while they build their huts, their ranches and quarters, for it is very difficult at times, and even dangerous to make the cattle of this border cross to the other. After that, they may be allowed to have another cow-farm, to raise their cattle ranches and their breeds.

It is preferable that the priest they are provided with at the start, shall be one of the companions of the one at Yapeyú; although it may be necessary to put another in the latter's place; so that the natives shall not be led to think they will be unhappy by living apart from their parish.

The settlement shall be made on the same spot where stands the Chapel of Saint Michael, that is the highest, the healthiest, and the nearest spot to the union of the Ibicui and Uruguay rivers, because although it is a league's distance from the said Ibicui river it is low land that is inundated when both rivers swell; and then, this is no great distance in these countries.

I consider the one hundred militiamen a very small number, if we take into account the objects to which they must attend. It is necessary at the start, to place a very large detachment at the spot most conveniently situated to the post of the Ibicui, the one called de Reyes, and the other Santa Rosa; to despatch a strong scouting party with those who may go out to hew wood, that can only be found on the coast of this river, and in differently situated places, and with those who go to cut straw, with which to cover the roof of the huts, the cow-pens and the quarters of the militia, and to guard the horses, as the unfaithful Charruas, and Mimianes, now at peace, are abetted by the Portuguese (although clandestinely), and if our troops of defence are low in number, is to be feared that along the western coast of the said Ibicui, there will arise confusion, and the enemy shall continually molest said town. Besides, the Portuguese are prepared with sufficient number of armed people, and they never hesitate to oppose their forces to ours; as they have shown on the occasion of the uprising of the Paraguayans; when the Commander of the pueblo of Saint Borja, believing it true, gave out that the Spanish troops were on the march, and immediately, four hundred dragoons of the open of San Martin left for the Ibicui, where they were repulsed. The news turned out to be false, and the said Commander of Borja was relieved of his Command. For these reasons, it seems to me, it would be better to have two hundred armed men with the necessary ammunition, keeping in mind that to carry out the enterprise with the secrecy and promptitude that your Excellency recommends, it is necessary that all the troops cross over at one time; that this troop shall be strong and that it must have skins, to protect them from the inclemencies of the weather, until huts and forts shall be built; and that all this requires celerity, strength and vigilance. I am fully aware that the Exchequer is in no condition to make these extravagant expenditures on behalf of the increase in troops; but it is also certain, that when the question of defending His Majesty's dominions are at stake, and to secure them from the usurpation of frontier-men, these expenses are a good to the State, and the Viceroy will not decide against them, because he knows full well, how profitable it is, on occasions, to spend large sums of money; then the question cannot be settled by an appeal to arms.

The troops that are to be dedicated to guard the new settlement, it would be better, were they chosen from the militia created in this province that has already been subjected to trials; and your Excellency knows that the veteran troops, and specially, the Blandengues, cannot perform the service, perhaps because of the greater impression that commence with these women produces upon them. A good witness of these facts is the Illustrious Bishop, who knows that of a hundred men that the Order has under salary, there are only five or six sick members; and of thirty Blandengues in this town, only six men are in a position to mount guard.

It will also be convenient to give each Indian that comes into the new settlement, a spear or lance, of those the King has in this province; because while at their farms or ranches, that usually are to be found, at a distance from the forts, and the Indians being accustomed to enter the towns in disguise, if the Indian has no weapon of defence, he and his family may be a victim of the barbarians.

I will also be pleased to know without delay, what expenses may be incurred, and the method of making them; because it is necessary to buy some tools and other utensils, and we shall need a master carpenter, to put up the Church, the doors and other things that cannot be trusted to the Indians.

These are the considerations I have deemed it opportune to lay before your Excellency for the better service of the King, and that the wise dispositions of His Excellency the Viceroy Marquis de Sobre Monte shall be carried out with efficacy and decorum; upon which your Excellency, with more authority than I shall determine what shall be most convenient on the subject, and I await your Excellency's orders to begin operations, of whatever you shall leave to my commission; and I shall in due time inform you of whatever facts may be worthy of your Excellency's attention. May God guard your Excellency many years.—Pueblo of Santo Tomé, October 5th 1805.—*JOSÉ DE LARIZ: to the Governor Don Bernardo de Velasco.*—This is a copy.—VELASCO.

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Your Excellency: Informed of all that your Excellency recommends in your official note of the 14th inst, with respect to the formation of a strong town on the southern coast of the Ibicui river, near its junction with the Uruguay, I at once sent a copy of your Excellency's resolution to Don José de Lariz, urging him to devote all his zeal and knowledge to the fulfilment of so important an enterprise; and his answer is enclosed:

In order to carry into effect the interesting determinations of your Excellency, it is necessary, first of all, to guard that place with sufficient troops that we may not be trampled on in case of a raid, and though within a short time, the families that are to form the new settlement will be ready, nothing will be done however, until we hear your Excellency's decision regarding the number of troops that will support the undertaking with regard to the points that are to be defended, as according to the exposition of Don José de Lariz; it being my opinion, that until these people shall be firmly established

on their territory, two hundred men, at least, are required to afford them protection, among the forces in this province, as I shall explain to your Excellency in a separate note.

Knowing the laborious work and the long time it takes these natives to do any work, especially in wood and excavations, that are so easily accomplished with the proper tools, which they lack, I think it necessary that your Excellency give orders that they be supplied with hatchets, scythes, pick-axes, hand-saws and chisels, and that these be distributed among those who are to form the new settlement; and some one, capable of directing the natives in their work should take charge of these tools; to whom a competent salary should be paid; and to fill this place I consider Don Manuel Palomares, very capable; but I have not placed him in the first Commission, not only because I did not wish to retard the people he was leading to the new town, but because I did not know whether the choice might meet your Excellency's approbation.

The salaried Militia Company that should be employed on this occasion, has no other officer than the Lieutenant, the Captain is at this moment under arrest by Don Vicente Carballo and the Ensign is at that capital. This absence of officers in a company being at all times, and especially at this moment, a consideration of the greatest importance, your Excellency will decide the means to repair the lack.

With regard to the troops that from this place are to start for the coast of Ibicui river, they shall go armed and supplied with ammunition, as the case requires, and the Indians be provided with lances; when the day is decided, I shall notify the Lieutenant Colonel, Don Francisco Xavier de Viana. The confidence I place in Don José de Lariz because of his honesty, zeal and knowledge, assures me your Excellency's intentions will be carried out. May God guard your Excellency many years.—Concepcion, October 10th 1805.—Your Excellency: BERNARDO DE VELASCO.—To his Illustrious Sir, *The Viceroy Marquis de Sobre Monte.*





1806

**Private letter of the Marquis de Sobre-Monte, Viceroy of  
Buenos Ayres, to the Prince de La Paz upon the ques-  
tion of boundaries with the Portuguese, and the means  
proposed by the Spanish Government, in or-  
der to check their usurpations. (\*)**

(PRIVATE.)

Your Excellency : On the twenty-ninth day of December of the year eighteen hundred and four, I informed your Grace, by the private channels of State and War, of what had occurred with the Portuguese in this frontier, and what I had officially addressed to the Governor of the Continent, Don Paulo Josef da Silva Gama, stating how I placed but little reliance on securing a favorable result from these requests, as constant experience has proved the artifices and even falsehoods with which the Portuguese endeavor to elude them. Indeed, I have not been able to obtain anything since then with that Governor, who lately demanded I should retire my troops, that occupied the vicinity of the hills of Yaraó ; in which case, he promised also to withdraw his soldiers from that place. This cunning proposition obliged me to send him the note of July 5th, a copy of which, designated by the No. 1, I hereby enclose, proposing the measures that seemed to me most opportune to cut short the disputes and prevent the encounter of the troops, until such time as the respective Courts shall pass upon the ownership of these pueblos of Misiones occupied during the late war, and the other settlements to the North of the Yaguarón, upon the frontier called the Cerro Lar-

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(\*) . This is a translation of the original document existing in the General Archives of Indies, which, in a copy duly legalized by the Consul of the United States of America at Seville, forms part of group A, No. 30, of the manuscript documents of the « Argentine Evidence. »

go and the Ibicui, upon whose western banks I have decided to establish five towns, not being able to found three of them because they are occupied by the Portuguese, and it would have been necessary to proceed by violent means, which I have abstained from, not only because I wished to avoid consequences which might prove serious, as I ignore the condition and designs of our Government, through the lack of correspondence with the authorities, but because of the small resources at my command, should a partial war break out in this locality. Notwithstanding these considerations, believing it was not at all proper to weaken in my protests, I fully explained my position to that General, in the terms your Excellency will observe in the copy of my note to him of July 5th, already referred to : and observing that he delayed his answer too long notwithstanding he had promised me, on September 20th, (No. 2) that he was trying to arrange matters in such a way as to end the question, I thought it necessary on December 14th, to address him the notification, marked No. 3, calling his attention to the fact that the delay in replying must no longer continue, and to the urgency of a satisfactory determination on his part to do what might be necessary ; but as his troops have remained on the Yrao, where they have penetrated inland to the extent of 20 leagues distant from the Ibicui, whose western shore I now solicit as provisional limit, without compromising or renouncing the right to a greater extension, I see that the movements of the Portuguese are directed solely to subterfuges, in order to retain possession of the territory unlawfully occupied, and to slowly extend themselves all they can over the rest, which they aspire to possess ; eluding the vigilance of our troops, who cannot attend to everything in so immense a region ; making use of our herds for the leather they need, and appropriating all movable things : proceedings which demand a prompt remedy, either on the part of our Ministry, or else, authorizing and aiding me to proceed by force, in case they should attempt resistance, as surely they will, when I attempt to expel them ; this idea of their resistance has been forced upon me, by the observation I have made, that in proportion to the increase of the forces on our frontiers, they have augmented their troops ; when I have ordered some pieces of field artillery to be placed on our coast, they have put others in opposition ; so that I am fully convinced that were I to carry out my suggestions, hostilities would break out ; and a rupture being a matter so fraught with gravity and consequences, it has seemed more prudent to me, to first employ other methods and plans with a view of settling upon provisional boundaries, and inform Your Grace of everything that you may announce your sovereign will.

This recourse to arms and this use of the troops, in addition to the objections already stated, present others no less important, according to my views ; such as the considerable expense which these measures would call for, at a time like the present, when they cannot well be met, and the necessity of sending the workers and farmers who compose the militia, away from their homes and lands, because of the scarcity of veteran troops ; keeping them for a long time in the camp, when their presence is needed on the other frontiers of this metropolitan province, and on the frontiers of Paraguay

and Cordoba which are the ones most likely to be called upon for help; for in this case, it would be necessary to despatch a detachment proportioned to the resistance they would offer; and they have a militia of over 3,000 men, and on a very different footing from ours, their men being well disciplined and clothed, (while ours lack even the simple decency of attire which exercises so great an influence on the soldier) and over 1,000 dragoons and volunteers, perfectly mounted.

Don José Antonio Cavallero, on the 19th of August, 1804, (eighteen hundred and four) sent me the Royal Decree, in strict privacy, of which I now enclose your Excellency a copy, distinguished by the No. 4, and under No. 5, I enclose my reply thereto, dated January twenty-eight, eighteen hundred and five; and as that document indicates that only in the case of our being in war directly or indirectly with that nation (Portugal) am I to take advantage of the circumstances to declare hostilities, I have refrained from acting, as there has not been a rupture between us; as I take it, that unless we find ourselves in that case and in those circumstances, I may not nor should I venture or attempt anything further on my own responsibility, than what I have heretofore practised, employing all the methods of conciliation in accordance with the first part of the said sovereign document, agreeably to your Excellency's wishes; but I must not omit to manifest to your Excellency, that it would be very novel and unexpected, for the Portuguese to yield up, of their free volition, a rood of ground that they have once put a footing on, and claimed as their own, no matter how unlawfully and unjustly. This has always been their method of procedure, as witnessed to by constant experience.

I have informed your Excellency thoroughly of everything. I will continue this system, while I have no new orders from your Excellency except those I have stated, I shall not omit any step to gain the desired point. The Portuguese, up to the present on the other hand, manifest good fellowship, with our ships of commerce, endeavoring to hide their property by means of their passport and papers, and admitting and protecting them while in their harbors, as though to offset the impression of the political occurrences on the frontier, but in the matter of the boundaries are always firm, of the territory belonging to us, always cunning and always ready to introduce themselves as far as possible into our camps, and even to ingratiate themselves with the Indians to our harm, as the paper Not 1 will demonstrate. I incline to the belief that in this communication, my remarks will strike them as being well taken and that my threats will not fail to arouse their fear, for I argue with positive data; but I do not trust altogether on thereby achieving a favorable result; and as I go on observing their line of conduct, I shall give a detailed account of everything to your Excellency, as is most proper, in order that your resolutions may serve as guides to my procedures, it being my earnest wish ever to second your beneficent intentions. May God save Your Excellency many years. Buenos Ayres, January sixteenth, one thousand, eight hundred and six.—Your Excellency.—THE MARQUIS DE SOBRE MONTE.—To HIS EXCELLENCY THE PRINCE DE LA PAZ.



**LATITUDE and LONGITUDE  
OF THE PUEBLOS OF MISIONES. (\*)**

PUEBLOS OR TOWNS.	SOUTHERN LATITUDE.	LONGITUDE COUNTED from the Island of Fierro.	
Yapeyú. . . . .	29° 31' 30''	320° 52'	„
La Cruz . . . . .	29° 12' „	321° 12'	„
San Borja. . . . .	28° 41' „	321° 49'	„
Santo Tomé. . . . .	28° 36' „	321° 53'	„
Concepcion . . . . .	27° 58' „	322° 46'	„
Santa Maria. . . . .	27° 52' „	322° 54'	„
Marurev . . . . .	27° 45' „	322° 49'	„
San Javier. . . . .	27° 46' „	323° 7'	„
San Nicolás. . . . .	28° 13' „	322° 56'	„
San Luis . . . . .	28° 19' „	323° 12'	„
San Lorenzo. . . . .	28° 22' „	323° 27'	„
San Miguel. . . . .	28° 25' „	323° 27'	„
San Juan. . . . .	28° 21' „	323° 51'	„
Santo Angel. . . . .	28° 15' 30''	323° 55'	„
Apóstoles . . . . .	27° 53' „	322° 36'	„
San Josef. . . . .	27° 42' „	322° 35'	„
San Carlos . . . . .	27° 43' „	322° 29'	„
Candelaria. . . . .	27° 24' „	322° 22'	„
Santa Ana . . . . .	27° 23' 30''	322° 32'	„
Loreto. . . . .	27° 22' „	322° 33'	„
San Ignacio Miri. . . . .	27° 18' „	322° 32'	„
Corpus. . . . .	27° 11' „	322° 35'	„
Jesus. . . . .	27° 2' „	322° 21'	„
Trinidad . . . . .	27° 7' „	322° 23'	„
Itapúa. . . . .	27° 15' „	322° 10'	„
San Cosme Nuevo. . . . .	27° 6' „	321° 36'	„
Santiago . . . . .	27° 11' „	321° 9'	„
Santa Rosa. . . . .	26° 47' „	321° 13'	„
San Ignacio Guazú. . . . .	26° 53' „	321° 3' 30''	„
Nuestra Señora de Fé. . . . .	26° 44' „	321° 9' 30''	„

(\*) This is a translation of the original document existing in the Archive of the Royal Academy of History, which in copy duly legalized by the United States Consul at Madrid, forms part of group A, No. 31 of manuscript documents of the "Argentine Evidence."



**THIRD PART.**

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**1639-1810**

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**PORTUGUESE USURPATIONS**  
**in the South American dominions of Spain,**  
**and measures taken**  
**by this Nation to repel them.**





**REGARDING THE PUNISHMENT**

**to be dealt to the Portuguese Mamelukes of San Pablo, who came to captivate the Indians of the reductions of the Province of Paraguay. (\*)**

**THE KING :**

Don Francisco de Avendaño y Valdivia, Knight of the Order of Santiago, my Governor of the province of Tucuman, or the person or persons in whose charge the Government may be: By your letters and other reports which I have received, it is understood that very injurious invasions are made by the Portuguese of Brazil, and other nations who usually mingle in the provinces of Paraguay, to captivate and carry away the Indians settled therein, thus disturbing and destroying the care and labor which by my orders and the medium of the Fathers of the Order of Jesuits have been used towards their conversion, teaching, and political life ;—and in order to remedy such grave and scandalous excesses whereby much is sinned against, I command the call of several meetings, as the importance of the case demanded, and at the said meetings such measures have been proposed to me as seem fit for the punishment of past excesses, stopping them in the future, and I have resolved what you will learn from the letter accompanying this ; moreover, as since then, it has been reported that the said raids and captivations are kept up, and every day with greater liberty and insolence ; and as the

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(\*) This is a translation from the documents printed in the book entitled "Annex of the Memoir on the boundaries question between the Argentine Republic and Paraguay by Manuel R. Trelles. Official Publication. Buenos Ayres, 1867," page 46 and following. The book accompanies the "Argentine Evidence."

greater part of the said measures are to pass through, and be executed by the Crown of Portugal, I have thought to advise and command you, as I do, that, should you hear that such invasions are continued and the dispositions in the said letter do not suffice, you shall, in order to remedy it, endeavor on your part, and communicating with my Viceroy of those provinces and the Governors of Tucuman, River Plate and Paraguay, to collect the greatest force of armed people you can gather, sparing as much as possible the expenses of my Royal Treasury, helping one another and preventing and disposing matters so that those who thus come to make the said raids and captivations, from whatever part, people or nation they may be, shall be defeated and chastised ; and those of them who can be made prisoners and caught by hand, be punished judicially with all the rigor of the law, as the gravity of such enormous trespasses demands, for they who are doing this are open enemies of religion and of this Crown. For this I shall consider myself well served, and you will regularly advise me what you are doing and executing, and of the most efficacious means offering to attack them, if those referred to do not suffice.

Dated at Madrid on the sixteenth day of September of the year sixteen hundred and thirty-nine.—I, THE KING. By order of the King Our Lord, *Don Fernando Ruiz de Leon*. Duplicate. (There are seven rubrics.)

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**Copy of the certification of Juan Bautista de Larrazabal, Notary of the  
Reverend Bishop of Paraguay Don Fray Cristoval de Aresti, regard-  
ing the losses suffered in that Province by the invasions of the  
Portuguese, on the 11th of December 1632.**

I, Juan Bautista de Larrazabal, one of the Notaries of the Ecclesiastical Court in this city of La Asumpcion and Bishopric of Paraguay : certify, to the King Our Lord in His Royal Council of the Indies and to the gentlemen of the said Council who should see these presents, as to how the Very Illustrious Sir the Master Don Fray Cristoval de Aresti, Bishop of the said Bishopric, in this present year one thousand six hundred and thirty-two made a general visit to the persons of Guairá and Jerez, after marching more than 600 leagues up and down through plains and deserts, suffering great misery, penury and necessities, as much by land as by the Rivers Paraguay, Jejui and Aguari, Mucí, Paraná, and Ubay, and very grave dangers from bad and warlike enemies, reefs and waterfalls, and squalls, sleeping at night in the woods and fields and on the rivers on rafts made of canoes covered with straw matting, among settlements of Spaniards and ten Indian reductions where no other Bishop has ever reached before ; with great zeal in the service of God and the salvation of souls, he confirmed 7,675 persons, not counting other 12,175 whom he confirmed in his first trip, which he did on this visit, and another great number whom he confirmed in six or seven times in the city of La Asumpcion, both Spaniards and Indians ; and he visited and

exercised other pontifical acts connected and associated with his dignity and pastoral office ; besides this, His Holiness being advised by those of Villa Rica del Espíritu Santo, as he travelled by the River Mucí towards the said Villa, giving him an account of the great straits they were in, being surrounded by the Portuguese of the Villa de San Pablo, of the State of Brazil, who wanted to carry away the Indians of that district, as they have been wont to do for many years, which, according to the general opinion in this country, the number taken and stolen by them from the province exceeds one hundred thousand souls, destroying settlements and reductions of Indians, profaning and destroying temples where the Lord was worshipped and revered, he hastened on his way surmounting the difficulties and dangers referred to, to reach to the assistance and succor of his flock ; and entering by the River Ubay in his said pursuit, he received another advice with news of still greater straits, asking assistance from the city of Guairá and the Spaniards who were in Maracayú, whereupon His Holiness doubled his work on the road, so hard and dangerous, rushing in extraordinary manner, walking day and night ; and arriving with all this care at the said Villa, he found it all torn down to the ground and its neighbors and the Indians they could gather, intrenched inside of a palisade, which when seen by His Holiness, and as they had no power to defend themselves, being besieged by the said Portuguese who had already taken their farms and supplies, while the other chiefs and principal Indians with their people were pledged to surrender and go with the Portuguese, forced and compelled by hunger, hardship and necessity, thus first to prevent his flock from being made slaves, and second by virtue of a license they had from His Majesty, which was shown them, to move the said Villa to another convenient spot, he took them all out of the said enclosure and conducted them to the fields of Yariz which is a district of his Bishopric and Government of Paraguay, thus rescuing more than 4,500 people from that peril and captivity, first notifying the city of La Asumpcion by quick messages to despatch a thousand or more cows for the nourishment of the people, giving orders that if they did not have the means to pay for them or could not, to forego their episcopal contributions, so that the city, by virtue of this advice, sent the cows ; and much of the loss that would have undoubtedly arisen from hunger and hardships, was thus averted ; and while His Holiness was within the enclosure, an alarm was sounded twice, which when seen by His Holiness the two times he sallied with a crucifix in his hands accompanied by his clergy, rallying and encouraging the people to take valor and make efforts ; and afterward they went out under their protection for the said transfer, His Holiness leading and encouraging with great valor and will till all were in safety. And in witness whereof, as Notary of the said visit and as a person who was present during all the foregoing, and at the request of His Illustrious Holiness, I issued these presents in this settlement and reduction of Yaguaron, on the eleventh day of the month of December of the year sixteen hundred and thirty-two ; in faith whereof I affixed my signature, rubric and customary signs which are genuine.—*Juan Bautista de Larrazabal.*

**Letter written by Father Diego de Borca of the Order of the Jesuits to the King Our Lord, asking him to remedy the insolence of the Portuguese of San Pablo. Dated at the Sierra of Uruguay on the 28th of January, 1637.**

Sir:—For many years this province of the Company of Jesus in Paraguay busy themselves, by order and at the expense of Your Majesty, with the conversion of infidel Indians of various provinces of the same, in Guairá, Paraná and the Itatines, district of the Government of Paraguay, and the Uruguay and Sierra del Tape of the Government of Buenos Ayres, having converted and baptized in the Paraná and Uruguay alone, more than sixty thousand souls, as is confirmed by the sworn faith in the books, not including in this count twenty-two thousand and twenty-six persons and many others which are numbered owing to the loss of some books caused by the revolutions in that country; which were baptized in thirteen reductions they established in the province of Guairá, eleven of which were already destroyed, from the years twenty-eight to thirty-two, by the Portuguese of the Villa de San Pablo of the coast of Brazil, profaning temples, burning settlements, captivating and killing their inhabitants and carrying them away collared like slaves, and satisfied with this, and having compelled two other remaining reductions to withdraw to lands more secure, with great loss of their inhabitants, they destroyed other settlements subject to the common, and even the Spaniards of Villa Rica del Espiritu Santo who were in a tight place when they took away from them even the people of service in their houses, were pressed upon, to break up, with the consent and authority of Don Fray Cristoval de Aresti, Bishop of Paraguay who was present; and for that very reason the Royal city of Guayrá and the city of Jerez were afterwards abandoned, some fleeing, and others surrendered and went over to the enemy, and uniting themselves treacherously to him they helped him to destroy and captivate many Indians of the province of the Itatines, most of which were under the care of the Order; and they added crimes to crimes this past year six hundred and thirty-six, knowing as they did, that, on the part of the Order, through the Attorney General and particulars sent by this province to that Court about this, Your Majesty had been advised of their cruelties, attacks, and treachery, and that you now tried to correct and chastise them with your Royal Councils, notwithstanding that the Dutch were within the State in possession of a great part of its coast, and your Royal army is at present engaged in fighting for its recovery, forgetting the duties they have towards their own country and soil and to their King and Lord, and what is more, what they owe God as Christians. Antonio Tabares Raposo and his followers raised the flag and gathered an army at the beat of drums to make war, not against the enemies of Your Majesty and of Your Royal Crown, as they ought to, but against her, entering by Castile and the Government of Paraguay and River Plate with hostility like on enemy's land, attacking this last December of six hundred and thirty-six, the province of Uruguay and Sierra del Tape, surrounding and besieging the settlements of the Indians, in their

greater part reduced Christians, and put under the Royal protection of Your Majesty with priests of the Order, churches and Divine religion at its highest point, with flying banners, drums and trumpets of war; and because they did not surrender and gave up at once, like good shepherds of those flocks of the Lord, delivering themselves into their hands, more cruel than tigers, they insulted and maltreated the priests who were preaching the law of Christ Our Lord, beating and wounding in their own house a Father and two of our brethren, for no other sin than protecting their sheep; they burned and profaned the churches of some of the reduction, and the Holy Images of Christ Our Lord and of His Most Holy Mother, and the Holy Oils, tearing the baptismal book to pieces with impiety, stealing a part of the jewels of the clergy who were there, killing with inhumanity a great number of Indians and women, boys and girls, beheading them, and cutting them open with their swords, burning them, showing more cruelty than wild beast and more inhumanity than Alarbes, Heretics, Calvinists or Huguenots, carrying those they caught alive to a fort of timbers made by them in the same reduction, compelling them afterwards, by force, to go to another palisade, some laden with their baggage, others bound with collars and chains, not only the men but also the women, insulting their Count Señor de la Villa de San Pablo, as if he were not a subject of Your Majesty, saying that by your orders and command they came there to eject the priest and to insult them; and of much of the foregoing I am an eye witness, having been at the Sierra del Uruguay, three leagues from where they were lately besieged, killing and captivating people, where I passed with another eight clergymen of the Company and saw with my own eyes, with great pain in my soul, the destroyed and profaned temples, three reductions or large settlements destroyed and burned, and the lodgings of those cruel enemies of the human race, of the Faith, and of Your Majesty, filled with dead and burned bodies which I, with the other clergymen, buried, not counting many that filled the woods; referring for this and for all that happened to the authentic information which the Attorney General of this province takes to Your Majesty, whom they humbly beg at Your Royal feet to extend the arm of Your Royal power for the protection of these poor defenceless Indians, ordering with the utmost speed required by the urgency of Your Majesty's pious and Catholic zeal in the defence of the Faith, and by that of these enemies of Your Royal Crown who come to invade and steal the settlements of your new subjects with hostility, to use a speedy and efficacious remedy, as is expected of your clemency, although Don Juan de Ilizaraevi, President of Your Majesty in the Royal Audiencia of Charcas, as a very faithful Minister, with his great zeal, foresight and prudence, which have caused the admiration of these Kingdoms, has desired to correct such great disorders with the losses these Indians of these new reductions began to feel from the neighbours and encomenderos: but as the delinquents and invaders of the settlements of the Uruguay and Tape are beyond his jurisdiction, in Brazil, and the forces to resist their daring in the government are meagre, it is necessary to recur to Your Majesty so that with your powerful hand, you may,—and God may guard Your Royal and Cath-

olic person with increase of new kingdoms and possession. From the Sierra del Uruguay, January twenty-eight, one six hundred and thirty-seven.—  
DIEGO DE BOROA.

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**Letter-Report of the Bishop of Buenos Ayres in which he gives an account to the Pontiff, of the continuous attacks of the Portuguese of San Pablo upon the converted Indians of the reduction, and asks him to threaten them with some penalties and censure.**

Most Holy Father :—When the flock and sheep of Jesus Christ are attacked by wolves so mad and powerful, that we, the particular shepherds, cannot defend them, it is necessary to give notice to the Leader and Universal Pastor in whose care they are committed, so that he with his mighty power shall protect them.

In Brazil there is a city (subject to a prelate who is not a Bishop) called San Pablo ; in it, a great number of men of different nations have gathered, Englishmen, Dutch and Jews, who, joining those of the country, like mad wolves create havoc in the new flock of Your Holiness, such as the Indians lately converted in this Bishopric of the River Plate and in that of Paraguay; they have entered the same with diabolical spirit raiding Indians, which they called « certon », carrying them away from their doctrines where they are being instructed in our Holy Faith, collaring and taking them off as prisoners, maltreating them, to sell them, and killing those they cannot take along, children and women, burning some in their own houses and huts, unmarrying and remarrying them to others, as they take away many men leaving their wives behind, and married women, leaving their husbands behind, and this under such painful circumstances that are a torture to the heart of him who hears them, for they profanate the temples and burn them, and their filthiness does not respect the holy altars, and it seems, Most Holy Father, that in these times and in these Indians the distress and tears of C. 5 of Jeremiah have being realized. This very great harm, I have attempted to prevent, looking for this bad people, and they had fled from me; I have sent censures and they have not overtaken them to convey the same to them, because although they know they are excommunicated by right, as they say it, this excommunication will not punish them, even if much time passes ; neither on account of the same it seems they will deliver them to the Holy Inquisition, such as is *ab homine* ; when the fixed time passes, they flee fearing the excommunication will be enforced ; the Fathers of this Order who teach the doctrine to these Indians have defended them all that was possible with great zeal and spirit, like very valiant coadjutors of Your Holiness ; we have not been able to check the evil and thus I supplicate Your Holiness to remedy it with penalties and severe censure against any one who should employ such diabolical treatment and encourage it, reserving the absolution to Your Holiness or to whom be better served, so as not to offend the Majesty of God who may guard Your Holiness for the good of his church.

Buenos Ayres September 30th. 1637. Servant and Chaplain of Your Holiness whose feet I kiss.—FRAY CRISTOVAL, Bishop of the River Plate.

1647

Journal of Father Antonio Ruiz de Montoya. (\*)

rebellion:—Father Antonio Ruiz de Montoya, of the Order of the Society of Jesus, Rector of the College of La Asuncion and Attorney General of the Province of Paraguay, as appears in the power presented by him at the point of departure, says: that his Order converted in the said Province to the obedience of His Majesty, with the death of nine priests who were put to death by various tortures, twenty four settlements of unbelievers, who lived about and without towns, in the Provinces of Uruguay, Tape and Itatí; and in the Province of Itatí, he also made three settlements of converts bordering on the Province of Santa Cruz de la Sierra, where to-day more than fifty priests of the same Order of the Jesuits teach in peace; the Indians have had in the last few years several well-fought encounters with the Portuguese rebels, who to this day still keep up their persistent efforts to conquer those lands to gain a foothold in the Peru, and over whom the Spaniards have gained signal victories, killing a great number and driving them from our borders on many occasions; several times they have gone out against the Spaniards in the pacification of the country against other Indian tribes, with all fidelity and success in the victories they have achieved; and at their expense, without having any help; nay, they have bought with their own money more than six hundred fire arms and ammunition; and to their valor is due that that country is not in the power of the Portuguese rebels, regarding whom frequent advices are received of their designs to

(\*) This is a translation from the documents printed in the book entitled: "Annex to the Memoir on the boundaries question between the Argentine Republic and Paraguay by Manuel R. Trelles.—Official Publication, Buenos Ayres, 1867."—Page 130 and following. The said book accompanies the "Argentine Evidence."



again subject the land ; and for this reason the said Indians live in watchful practice with their arms, as is notorious, and is confirmed by the certifications he presents. His Majesty, being informed of all this and considering it good service, commanded the despatch of the letter he presents, wherein he orders that mercy be granted them by way of reward ; and as the said Indians have not so far been put under any taxes, His Majesty, taking into account that in their gentility they have resisted the faith and obedience to His Majesty owing to their horror at the vexations and bad treatment the Indians usually received at the hands of the Spaniards in this Kingdom, they submitted to reduction, trusting in the word given them in the name of His Majesty that they would not be subjected nor be put under the intolerable yoke of personal servitude, which at the request of the petitioner, His Majesty saw fit to confirm by his Royal letter ; because, if the said Indians were burdened with taxes and forced labor, increasing the weight they carry in maintaining the war against the rebels, grave and irremediable damages might be apprehended, having collectors and exactors upon them who would molest them unmercifully, when they ought, instead, to be rewarded for their fidelity and services, and no occasion should be given them for changing, as it might happen that they joined the Portuguese rebel, his bordering neighbor, who solicits his friendship with promises and interests ; from which, very grave disturbances might result in all this Kingdom and a serious loss to the service of His Majesty, as is remarked by the petitioner ; for, if at any time some disturbance arises, it should not be charged to the neglect or inadvertence of his Order. In behalf of the Royal service, I ask and request Your Excellency to order, in execution of the Royal letter presented by him, and declare the said Indians vassals of His Majesty and belonging to his Royal Crown,—as at his expense they were conquered by the Gospel and doctored to this day ;—and also as men of that garrison, whom the Marquis of Mansera, predecessor of Your Excellency, by virtue of a Royal letter which His Majesty saw fit to have sent to them at the request of the petitioner, has aided with firearms and ammunitions, with which they feel to-day encouraged to continue in the Royal service ; and that Your Excellency equally be pleased to declare them free from taxes and forced labor in conformity with the said letter, so that thus encouraged they may continue with the services they are at present rendering His Majesty ; and this mercy will not be excessive, as it has had many and noteworthy examples : in the Kingdom of Chili His Majesty has companies of Indian soldiers, who, not only do not pay taxes or forced labor, as is well known, but His Majesty gives them the free salaries of soldiers the same as the Spaniards ; in the city of Cusco also live from taxes and « mitas » the Cañares Indians, as a reward for showing their loyalty during the first conquest of these Kingdoms ; in the Kingdom of Tierra Firme, the said Royal Audiencia has granted freedom and exemption of taxes and « mitas » to the Indians of the Provinces of Guavi Darien, merely for having become converted to the Faith, and His Majesty, with his Royal liberality, gives them the doctrine at his Royal expense ; and in the Kingdom of Chili the Marquis of Mansera gave in his Royal name the same

privilege to the Chief Manquí before his sons and vassals, for signing the peace and submitting to the Crown ; and if the said Indians have been and are rewarded for the said reasons, those of the said Provinces of Paraná and Tape, and Itatines, deserve it more so, because, besides taking the Gospel and submitting to His Majesty, they are at present serving him with their means and lives in the defense of his Kingdoms; and the Monarchs extend this mercy, says Doctor Juan de Solórsano (DE JURE INDIARUM) which is in use *et eadem de causa die et solent tributare mitis indis aut moderatius taxari quia justa alios barbaros et infidelis sivi et nobis habitant et fines nostros juacara et armis defendunt* (Juan Sator, Tom. II, De Jure Indiarum guber, Lib. I, Cap. XIX, No. 71) ; and in case that, besides the services the said Indians are at present rendering His Majesty, in the defense of the land, it would seem to be wise to place some tax on them as an acknowledgment of their submission ; considering their poverty and the lack of gold and silver, which does not exist and is not known in that country, they might be taxed at one peso of eight reales, each Indian for each year, say those who in accordance with the Royal orders must pay taxes, and not with the products of their crops which are quite small, so as to avert inconveniences that might be caused by the collectors, and the cartages and expenses they are compelled to meet with the said spices and products of the soil, which require a transportation of more than two hundred leagues to the port of Buenos Ayres or the government of Tucuman in order that they may have some value ; thus the gains or losses will be for account of the Indians, and accounts and dishonesty with the collectors will be avoided; and in order that this new tax be accomplished in peace and without risk of disturbances, it would seem to be wise, that, inasmuch as the Royal officials of Buenos Ayres are charged with collecting the Royal revenues, and the collection of this tax also corresponds them, the Treasurer and Auditor, or any of them, shall also undertake the enrolment and visit to the Indians receiving the said taxes in reales ; and this shall not rest in care of the Governors, as these, looking to their interests and the limited time of their government, do not hesitate to molest the Indians, and this might cause their attempt to throw off this yoke, as they are new people who have not yet been under it ; and thus His Majesty will be well served. Your Excellency sooner be pleased to prohibit the said Governors, when occupying them in their labors and profits, directing that with the said tax and duty to defend the country, the said Indians remain free from all kind of burden, as His Majesty has already exempted them from personal servitude by a new and special letter which he saw fit to have issued at the request of the petitioner ; and it will also be wise to recommend strongly the said Royal officials the gentleness and tact they must use when initiating these taxes, guarding themselves against serious inconveniences, as this is a disagreeable matter with new people not accustomed to submission ; all of which the petitioner proposes in behalf of the Royal service, and he asks and supplicates Your Excellency to be pleased to command the execution of what may be to the greater glory of God and the service of His Majesty.—ANTONIO RUIZ DE MONTOYA.

**Royal Letter referred to in the preceding memorial.**

THE KING :—The Marquis of Mansera, member of my Council of War, Knight of my Chamber, my Governor and Captain General of the Provinces of Peru, or to the person or persons who may be in charge of his Government : Juan Pastor, of the Order of the Jesuits, Attorney General of the Provinces of Paraguay, has reported to me that the Indians of Uruguay and Paraná in the Province of Paraguay who are under the care of the Fathers of said Order in twenty four very populous settlements, have defended themselves brilliantly and valerosly in these twelve years against the Portuguese of Brazil, at their expense and risk of their lives, purchasing arms and ammunition and other necessary things for their defense, in great quantity, and of value, exceeding seven hundred firearms; being compelled to thus protect themselves, owing to the invasions of the said Portuguese who took captives to Brazil where they sold them as slaves; and that after I gave them permission to use the said weapons in their protection, they had defended their country driving away the Portuguese and putting them twice to an ignominious flight, after which they now enjoyed peace, without the Portuguese daring again to come upon them; and that this redounded in my service and the defense of the Province of Paraguay, and that he feared the enemy would attempt to take possession of it, in view of its scant resistance, and that if any could be offered in such an event, it would be by these Indians, who, when called by my Governor of the said Provinces would come with their weapons and assistance to defend the country; he supplicated that, in view of this intelligence, I should extend some mercy to them towards lightening the taxes they pay, leaving this at your disposition or that of my President of the Audiencia of Charcas; and having been seen by my Royal Council of Indies, together with what the Licentiate Don Gerónimo de Camargo, my Attorney, said on the subject, it has been decided to charge and recommend you to use all care in procuring the alleviation of the Indians of the said Reductions as it is just to assist them, in view of the report of their good services in the defense against the rebels of Portugal, encouraging them to continue whenever a future opportunity presents; for this is my will, and it fosters my service.

Dated in Madrid on the fourteenth of February, sixteen hundred and forty six.—I, THE KING.—By Order of the King Our Lord: *Don Gabriel de Ocaña y Aloran.*

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**Resolution and decision of the Viceroy upon the memorial of Father Ruiz.**

In the city of the Kings, on the sixteenth day of the month of March of the year sixteen hundred and forty nine, in General Council of the Treasury, at which were present His Excellency and the gentlemen Don Andrés de Videla, Don Antonio de Calatayú, Don Sebastian de Alarcon and Don Pedro de Meneses, Auditors; Don Fernando Bravo de Lagunas, Treasurer of the Tribunal of Accounts; Bartolomé Astete de Ulloa, Juan de Casada and Bal-

tazar Becerra, Royal Official Judges ; this Memorial from Father Antonio Ruiz, of the Order of the Jesuits, in behalf of the Indians of the Province of Uruguay, Tape, Rio Paraná and Itatines of the Government of Paraguay, the Royal Letter and Certifications he presents, and the replies of the Honorable Attorney of His Majesty and of the Attorney Protector, were seen, all of which His Excellency ordered to be brought to this Royal Council ; and as it appears from the reasons set forth by the said Father in the said Memorial, which are just and true, that His Excellency may receive as vassals of His Majesty the Indians of the said Provinces recently converted, declaring them forthwith as such and belonging to the Royal Crown ; and, as they are located by the garrison and opposite the Portuguese of Brazil, that they may for the present be relieved of « mitas » and personal servitude, as they are busy working in that prison, which is considered quite enough labor ; and in the service of His Majesty and the public cause, and for the present they only shall pay His Majesty, in acknowledgment of seignior, only one peso of eight reales for each Indian in silver, and not in produce ; to which end the enrolment of the said Indians shall be made by the Royal officials of the port of Buenos Ayres in whose charge shall rest the collection of the said taxes, and in none other, and to whom shall be recommended and advised to make the collection with the utmost possible gentleness and kindness, especially until it is well established ; and to the said Governor, not to occupy the Indians with labors or services of his own convenience ; and that all shall be despatched and provided ; and His Excellency so pointed it out to the said gentlemen.—*Don Joseph de Cáceres.*

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DECISION.—In conformity wherewith and in view of the causes and reasons set forth by the said Father Antonio Ruiz de Montoya in the Memorial herewith attached, and those present considering them true and just, wherefore, in the name of His Majesty, and by virtue of the powers and commissions that I have from his Royal person, I do receive as vassals the Indians recently converted in the Provinces of Uruguay, Tape, Rio Paraná and Itatí of the Government of Paraguay, and I declare them as such and belonging to the Royal Crown, and as men of the garrison opposite the Portuguese of Brazil, and I command that for the present they shall be relieved of « mitas » and personal servitude, because they assist in the said garrison where it is considered they are quite busy in behalf of the Royal service and the public cause ; and also that for the present, they shall pay a tax to His Majesty, in acknowledgment of seignior and submission, of only one peso of eight reales for each Indian, in silver and not in produce, and to this effect I also command that the Royal officials of the port of Buenos Ayres, in whose charge, and in none other, rests the collection of the said tax, shall effect the enrolment of the said Indians and collect it with the greatest possible gentleness and kindness, especially until all is well established ; and that the Governor of the said Provinces shall not occupy the Indians in labors or services of his own convenience, as it is stated and declared in the

said writing hereto attached, and which I command to be kept, and this provision executed in all and for all without acting against its tenor and form in any manner whatsoever, and the said Governor and Royal officials and sundry Justices of the said Provinces shall so observe it, under penalty of five hundred pesos in gold for the Chamber of His Majesty.

Dated at Los Reyes, on the twenty first of June of the year sixteen hundred and forty nine.—COUNT OF SALVATIERRA.—By command of the Viceroy: *Don Joseph de Cáceres y Ulloa*.

It agrees with the Letter and provision referred to which was delivered in the original to me by Father Juan de Rojas, Father of the Order of the Jesuits and Attorney General of this Province, which he returned, and which is referred to opposite; and at his request I issued these presents in the city of La Asumpcion on the sixteenth day of the month of the year sixteen hundred and fifty two.—In witness of the truth, *Pedro de Salas*, Notary of His Majesty.

It agrees with the original, whence I took it, which I returned to Father Juan de Rojas, Attorney General of the College of the Order of the Jesuits in this Province, as appears in the reference; and by order of the said Auditor Visitor and Governor of La Asumpcion of Paraguay on the fourteenth day of the month of October of the year sixteen hundred and fifty two. In witness of the truth, *Pedro de Salas*, Notary of His Majesty.

**RECORD OF THE COUNCIL**

**of La Asumpcion disposing the taking of people of war from  
Villa Rica to reconnoitre the places of the Govern-  
ment of Paraguay, occupied according to the  
advices, by the Portuguese, and ordering  
the preparation of ammunition,  
arms, and material to repulse  
them, Jan. 12. (\*)**

In the city of La Asumpcion, on the twelfth day of January, sixteen hundred and forty-nine, the Council, Justice and Municipality of the said city being together and assembled in these Royal and Administration Halls, as we are wont to do, appending out signatures hereunto, with the assistance of the Grand Master General, Don Diego de Escobar Osorio, Governor and Captain General, and Chief Justice of this city and province, by His Majesty, whom God may guard, to discuss matters of the Royal service, confirmation and extension of these provinces, having conferred upon many things, and in particular regarding the arrival of news, although not certain, that the district and jurisdiction of this Government and Province has been entered by Portuguese, it has been decided by common consent to send to Villa Rica del Espíritu Santo reliable persons, taking from this city some soldiers, to which he shall add from Villa Rica, and them proceed to the spots where it is said

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(\*) This is a translation of the original documents existing in the National Archives of Paraguay, which in copies duly legalized by the United States Consul, at La Asumpcion, form part of group B, No. 1, of manuscript documents of the " Argentine Evidence."

they have arrived, and ascertain if it is so in truth, and, finding them, and reconnoitring their strength, he shall advise the Government, and in everything he will follow the orders and instructions that the said Governor may give him. And the said Governor was equally authorized to prepare in this city ammunitions and war material, such as powder and other ammunition of cord and lead. We also agreed with the said Governor that, in view of the Viceroy of these Kingdoms having granted one thousand pesos as succor to this city, and two hundred arquebuses of war, one hundred swords, a quantity of steel, iron, lead and sulphur, which the Royal officers of the port of Buenos Ayres shall dispatch, thirty swords, several hundredweight of iron, and arrobas of steel and garments, all of which were stored, and having ordered one hundred iron lances, and there being still five thousand and odd pesos of coined silver to be collected in the said Real of the Port, that the persons who have been depositaries shall give account, and all that shall be due, shall be collected, acting with it in accordance with the instructions of the said Viceroy, and the Royal Audiencia of La Plata. We also agreed that great quantities of money are due the Estates and Revenues of this city, and that the common judges and deputies, as this Council shall name them, examining the books and deposits, leases, and employing any other methods; whereupon the Majordome, appointed for this city by the Council, shall be put in possession thereof. And with this we close this meeting, and sign before ourselves for want of a Royal and Public Notary, and upon this common paper, there being none with the seal.—*Don Diego de Escovar Osorio.*—*Juan del Valle Villasanti.*—*Diego Hernandez.*—*Diego de Yegros.*—*Francisco de Aquino, etc.*

## 1664

**Royal Decree commanding the Governor of Paraguay, Diez de Andino, to inform regarding the advisability of separating the Government from the Doctrine of San Pedro de Terzano and San Francisco Ibirá Pariga.**

### THE KING.

Don Juan Diez de Andino, my Governor and Captain General of the provinces of Paraguay, Don Alonso Sarmiento de Figueroa, serving at interim in compliance with my orders of October seventh of the past year, sixteen hundred and sixty-two, sends with a letter of May the thirtieth, sixteen hundred and sixty-two, a statement of the villages and Doctrines of the Indians existing in that province, being in his charge, and says, amongst other things, that the nine of them are administered by clergymen with my presentation and canonic institution, and they have two more who help and assist them in two annexes, one of which is the village of San Francisco de Ibirá Pariga, belonging to the Doctrine of San Pedro de Terzano, at a distance of nine leagues, with two abundant rivers running through it, and in

some seasons of the year their freshets prevent the curate from going to his annex, considering which, a substitute has been given him to attend to the needs of his parishioners, and it would be convenient to divide them in two Doctrines, as each one will have a sufficient number of Indians to support the curate ; and this having been looked into by my Council of Indies, with the request made with reason by my Attorney, as I wish to know the causes existing to effect the division which the said Don Alonso Sarmiento proposes, and the conveniences arising therefrom, I command you to advise me of all very particularly and distinctly, giving your opinion in regard to it, that it shall be provided as may be deemed advisable, and in the interim you will not permit any changes to be made touching this point. Dated at Madrid, on the twenty-seventh of May, sixteen hundred and sixty-four.—I, THE KING.—By order of the King, our Sire, *Don Juan del Solar*.

To the Governor of Paraguay, that he may inform upon the proposition presented by his predecessor at interim, to place under doctrine the annex of San Francisco de Servian, etc.

## 1675

**Record of the Council resolving the departure of forces to check the Mamelukes of San Pablo and Tupis who captivate the Indians to make slaves of them. Decree relative to the foregoing provision and measures that were adopted for the execution of the preceding resolution.**

The Council, Justice and Municipality of the city of La Asumpcion, province of Paraguay, by His Majesty, whom God may guard, has resolved, to wit: The Field Master, Rodrigo de Roxas Aranda, Royal Ensign and Common Justice of the first vote, and the Serjeant Major, Alonso Fernandez de Montiel, Common Justice of the second vote, the Captain, Don Francisco Martinez del Monte, High Constable, the Captains, Don Gabriel Riquelme de Guzman, Antonio Gonzalez Freire, and Juan de Brizucla, Aldermen-owners, by virtue of the superior jurisdiction of this province, which we use and administer, in view of the imprisonment, absence and impediment of the Serjeant Major Don Phelipe de Rexe Corvalan, Governor and Captain General of the same, by the King, our Sire: Whereas, in the writs of relief ordered in behalf of Villa Rica del Espíritu Santo we have prohibited and published the edicts which, with their publications, are as follows: The Council, Justice and Municipality of this said city of La Asumpcion, province of Paraguay, by His Majesty, whom God may guard, be it known: the Royal Ensign, Rodrigo de Roxas Aranda, and the Serjeant Major, Alonso Fernandez de Montiel, Common Justices, the Captain, Don F. Martinez del Monte, High Constable, the Captains, Juan Cabrera de Ovalle, Don Gabriel Riquelme de Guzman, and Antonio Gonzalez Freire, Aldermen-owners by virtue of the superior political and military jurisdiction which, presided by the said Common Justice of the first vote, we use and exercise during the absence, imprisonment and impediment of the Serjeant Major, Don Phelipe de Rexe Corva-



lan, former Governor and Captain General of this province, by His Majesty, whom God may guard: By these presents we order and command that, forthwith, immediately, without excuse, objection or delay, the two hundred equipped soldiers of the guard of the city shall start in command of the Field Master Lazaro Vallejo Villasanti, Captain and General of War of this garrison, who is in the fields of Pirayú, with all his weapons, offensive and defensive, powder and ammunttion, sound horses, and other war material, so that to-morrow Sunday the twenty-third instant all shall be ready at dawn on the said spot. And we also order and command that the Spanish Captains and principal officers of the twelve garrisons of all the coast, leaving some force in them, shall go with all the soldiers of their companies, armed and equipped in the same manner as those of this said city, to the said place of Pirayú, and farm of the said Captain, with the best horses they have, at a long gate, to arrive at day-break, to-morrow Sunday the first instant, in the said farm: All of which, shall be obeyed and done by each and everybody precisely and punctually. in the matter of such importance and in the best service of His Majesty, for the complete protection and defense of this garrison against the foes, the Portuguese Mamelukes and Tupis of San Pablo, who are coming to strip the country of their aborigines, to make them slaves, calling them the Blacks of the Earth, and in which all our reputation is at stake in the defense of the Kingdoms of His Majesty and his vassals of this province, and the preservation of the Sacred Gospel, to which we must all contribute with our lives, blood and money, as loyal vassals and faithful Catholics, in emulation of our forefathers and progenitors, who left so many examples of victory and valor against the said Portuguese, and against all the infidels of these frontiers, wherefore we must proceed with the same valor and vigilance, each one being intent upon the discharge of his duty, and with the blood of gentlemen and Hidalgos, that the enemy shall know, with the experience of his punishment, the pluck and valor of the Spaniards and vassals of our King and Catholic Monarch, under penalty of their lives and of traitors to His Royal Crown, loss and confiscation of their properties, and loss of their manors and lands granted by the decrees, political and military laws and ordinances in such cases. Drawn in the city of La Asumpcion, on the twenty-second day of the month of February, sixteen hundred and seventy-six, before us and witnesses for want of Notary Public, on this common paper, there being none with the seal. And besides the High Constable of this city is commissioned to publish this edict, with drum call, and through the town-crier in the public square, and other customary places, that nobody shall plead ignorance. Date ut supra.—*Rodrigo de Roxas Aranda.*—*Alonso Fernandez Montiel, etc.*

In the City of La Asumpcion, on the twenty-second day of the month of February, of the year sixteen hundred and seventy-six, I, the Captain Don Francisco Martinez del Monte, High Constable of this city, by virtue of the commission given me, I do publish this edict in the public square of this city, at the beat of drums, and through Francisco Lopez, town-crier, in the presence of many people, and I affixed on the doors of the City Hall, after having read and published the same, together with the said edict, a list of the

soldiers equipped for the relief of the Villa Rica del Espiritu Santo, which are to start in charge of Señor Don Juan Diez de Andino, in the presence of Ensign Juan de Herera y Abreu, Francisco Gomez de Soria, and Lazaro Garcia de Jara, neighbors and residents of this city, who signed with me for want of notary on this common paper, there being none with the seal.—Don FRANCISCO MARTINEZ DEL MONTE. Witness, *Juan de Herrera y Abreu*, etc., etc.

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The Council, Justice and Municipality, of the City of La Asumpcion, Province of Paraguay, by His Majesty, whom God may guard, to wit: The Fieldmaster, Rodrigo de Roxas Aranda, Royal Ensign, Owner and Common Justice of the First Vote, and the Serjeant-Major, Alonso Fernandez de Montiel, Common Justice of the Second Vote, etc., by virtue of the political and military jurisdiction which we use and administer legitimately, owing to the imprisonment, absence and impediment of the Serjeant-Major, Don Phelipe Rexe Corvalan, Governor and Captain-General of this province, by the King, our Sire, this edict being presided by the said Common Justice of the First Vote: It being understood that the greater part of the soldiers equipped for the relief of four hundred Spaniards and six hundred and fifty Indians are unarmed and have very few reserves, and considering this, they said that the two hundred soldiers and reserves that were equipped and prepared for what might occur in this garrison, according to the list that was made and published for this Council on the fifteenth of July, of the past year sixteen hundred and seventy-five, and which are to start at once without waiting an instant for the farm of Pirayú of the Fieldmaster, Lázaro de Vallejo Villasanti, Captain of War and Superintendent General of these frontiers, the seat of arms and garrison, assigned for the march and meeting of the army of the said relief, in order that the four hundred of the said relief shall be completed from the list of the said two hundred soldiers; and as the Sergeant-Major, Don Juan Diez de Andino, who came to this Council, has told likewise and especially of the want of weapons, not only of firearms, but some swords, powder and ammunition and horses, the preparation and good provision of which is essential to good service, and he urges us to their quick despatch, he having taken leave from this Council for the seat and garrison of the said relief, asking us for his title and instructions, we order and command that the two hundred soldiers and reserves of the said list of July the fifteenth, of the past year seventy-five, and the four hundred equipped for the said relief, shall appear in the said garrison forthwith, with all the weapons, offensive and defensive, firearms, swords, lances, shields, jackets, escopiles, horses, powder and ammunition, and besides war material, so that to-morrow, the twenty-sixth instant, very early in the morning, the inspection and muster of arms can be effected of the soldiers and reserves, which in number of four hundred Spaniards are to start for the said relief with six hundred and fifty Indians of war to the relief of the Villa Rica del Espiritu Santo, against the enemies, the Portuguese, Mamelukes and Tupis of San Pablo, in charge of

the said Señor Don Juan Diez de Andino, whose title and instructions shall be delivered him in the said garrison by the said Serjeant-Major, Alonso Fernandez de Montiel, etc., etc. And we command the said deputies and the said Captain of War and Superintendent General, and the Fieldmaster, Pedro de Vallejo Villasanti, and the Serjeant-Major, Juan de Vargas Machuca, and all the Captains of the cavalry and infantry companies of this garrison and of the other garrisons, and remaining officers and soldiers of these frontiers, to be at the orders of the said Common Justice in everything and subject to the penalties contained in the edict of the twenty-second instant and current year, of which a report shall be given to the said Common Justice with the original list of July the fifteenth, of the year seventy-five, and twenty-second of the current month and year, in order that with the same he may complete the said number of four hundred soldiers and reserves, and the march of our army. And that this may be known by all, and nobody may plead ignorance, we command this edict to be published by the High Constable of this city, in the public square, at the beat of drums, and through the town-crier. Drawn in this City of La Asuncion, on the twenty-fifth of February, sixteen hundred and seventy-five, before us and witnesses for want of notary, and on this common paper, there being none with the seal, etc., etc. (Here follows the signatures of the members of this chapter.)

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1673

**Proclamation of Royal Letters Patent, in Villa Rica del Espiritu Santo by the Governor of Paraguay, Don Phelipe Rexe Corvalan, commanding the obedience of a Royal Order, given at Villa Rica on the second of February.**

In the Villa Rica del Espiritu Santo, on the second day of the month of February, of the year sixteen hundred and seventy-three, the Serjeant-Major, Don Phelipe Rexe Corvalan, Governor and Captain-General of this Province of Paraguay, by his Majesty, whom God may guard, at about three o'clock in the afternoon, more or less, before me, the undersigned Notary, opened a sheet which was closed and bound with a superscription which read, « By the Queen Regent to Don Phelipe Rexe Corvalan, Governor and Captain-General of the Province of Paraguay, Asuncion. » It weighed sixteen ounces and six drachms, and after cutting the threads of the said cover, amongst other despatches and Royal Decrees was found the above testimony, which, seen by His Honor, he took in his hands and folded it with due reverence; and he said that for its execution and fulfilment, to-morrow, the third of this current month and year, at general call, the Council of founders and residents of this Villa shall assemble, and in the public square, and with the concurrence of all of them, the said testimony shall be read and published loudly and intelligibly, that everybody may know it, recording its publication, and duly copied, shall be put with the papers of the archives of this said Villa, and the original testimony shall be forwarded at once to the

City of La Asumpcion, the head of this province, that with due solemnity it shall be published there by Captain Francisco Ramirez de Guzman, founder and resident of said city, and Superintendent of Justice and War, in the absence of His Honor, the said Governor, who is at present visiting the Indians of this said Villa, keeping due record of the said publication and this despatch, together with the other decrees and provisions to this Government. And he signed—*Don Phelipe Rexe Corvalan*.

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1676

**Letter of the Licenciado Mongelos Garces to the Governor of Paraguay,  
giving an account of the operation of war against the Portuguese Ma-  
melukes of San Pablo, March the third.**

GENERAL:—The grace of the Holy Father be with you and me. Tuesday, the third instant: The enemy knew that you were coming against him, armed with your valor and with four hundred Spaniards and eight hundred friendly Indians.

Wednesday in the morning: The Indians of this Crown marched towards San Pablo, guided by some of the bandits and some Tupes; the same day in the afternoon they were expected in the village of Terecañy by the Indians of Maracayú and by thirteen bandits who had guided them. On Thursday the said bandits fled, although with arrogance and pretending to fight, such as they are, from ambush; but I know them very well, and I regret that you are so far from here and they so near to their canoes, on the river Amambay, distant, in my opinion, forty leagues from the village of Terecañy. All this I know as an eye witness.

To-day, Friday, I learned in this Villa that you were coming with eight hundred and sixty Spaniards and three thousand friendly Indians, that with so large an army it is not possible to overtake the enemy, consisting of one hundred and eight Portuguese from San Pablo and other villages of their neighborhood, with addition of five hundred Tupes, who also handle the guns with the same dexterity as the whites, and some who do not bring any, come armed with sabres, bows and arrows; and in order to reach them it will be necessary that you, even with fewer people than you bring, be in this Villa on Sunday, so as to command on to march in pursuit of the said thieves, for which I offer myself, like a good Spaniard, as soldier and guide, which I am a good one, having been a prisoner amongst them six months, accompanying them, the particulars of which I leave for a better opportunity. And I only say that I regret that I arrived yesterday in ill health, for which reason I do not go to kiss the feet of Your Lordship, and also because I shall be stronger to accompany you when you decide to push forward, a step which will be in vain if we do not start from here on Monday, the ninth instant; and if the start is made on Tuesday, in their pursuit, some horses may be

taken from them but no people. This is certain, as also that I remain at the orders of your Lordship, whose life God may guard. Villa Rica, March the sixth, one thousand six hundred and seventy-six. Your Lordship's most obedient servant—The Licentiate, DON JUAN DE MONGELOS GARCES.

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1676

**Edict of the Governor Diez de Andino providing the recruitment of men to pursue the Mamelukes who have ruined four Indian villages near Villa Rica.**

The Serjeant-Major, Don Juan Diez de Andino, Governor and Captain-General that has been, of this Province of Paraguay, by virtue of the order and faculty of full jurisdiction that was given me by the Council, Justice and municipality and the rest of the commonwealth of the City of La Asumpcion, in order that I might act and judge matters and suits, political and military, and in especial to leave the said city, to the relief of this Villa, with the army that is in my charge, to oppose the Portuguese and Mamelukes of San Pablo, who have invaded and depopulated this said Villa, taking with them four tribes of Christian Indians of its vicinity, which has caused and causes great damage and loss to the neighbors of the said City of La Asumpcion and the said Villa, as it also detracts from the Castilian reputation; and in order to apply a punishment commensurate to their audacity, I at once command that all the neighbors of this said Villa, both feudatory and resident, shall prepare to leave with me in pursuit of the said Portuguese and Mamelukes, under penalty that he who shall fail in this, will have a bad case, and the feudatory neighbor, and he who be not such, will be put to a penalty of four years of exile to the port of Buenos Ayres, where he shall be without salary, living at his expense and risk, with obligation to report the failure incurred to the King, our Sire, and to his Royal Council of Indies, that nobody shall pretend to deny what occurs. I command that this edict be published at the call of drums in the public square of this said Villa, in the presence of all; and I have signed before me and two witnesses, for want of Notary, and on this common paper, dated in this Villa, on the twelfth day of the month of March, of the year sixteen hundred and seventy-six.—JUAN DIEZ DE ANDINO. Witnesses—*Don Francisco de Tixeira Valderrama, Sebastian de Aguilera.*

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**Record regarding the coming of the Portuguese.**

The Field-master, Alonso Fernandez Montiel, Lieutenant Governor, Chief Justice and Captain of War of this province of Paraguay, by His Majesty, whom God may guard, in whose charge lies the political and military

government of the same, in the absence of Field-master, Don Antonio de Vera Muxica, Governor and Captain General of this said province, by His Majesty, whom God may guard: whereas to-day, at about eight o'clock in the evening, more or less, I received advice on a paper which was addressed to me by Serjeant Mayor Melchor Alfonso, of the garrison of the village of Tobati, enclosing another paper from Pedro Rolon, Corporal of the said garrison, in which he advises him as how yesterday Monday, at about noon, an Indian woman of the said village of Tobati, who went for water to a well, met a Tupí Indian, who said to her that by land and by water many Portuguese Mamelukes and Tupís of San Pablo were coming to invade this city and province. This news, which, added to other circumstances that have preceded days before, it is fair to admit to be true, and it is advisable in any event to be ready with due preparation, vigilance and the necessary care, for so difficult a case; therefore, by these presents I order and command all the neighbors and residents at present in this city to remain within and be prepared with all their weapons, offensive, defensive, horses and other war material, and no person shall leave this city, either by land or water, for the lower provinces, or the woods, or other dependencies of the Villa Rica of this government, nor for any other part, in spite of any permission that I may have granted them, which from this moment I suspend until the truth of the said news is investigated and inquired into; and thus shall all obey for the good of the service of His Majesty, whom God may guard, and for the defense of the province, under penalty of their lives and treason to the King, our Master. And in order that all shall know this, and no one plead ignorance, tomorrow in the forenoon, which would be the twenty-eighth instant, this edict shall be published in the public square of this city, at the call of drums, and through the town crier, recording its publication. Thus I have provided, ordered and signed, with witnesses, owing to the illness of the notary, on this common paper, there being none with the seal, in the city of La Asumpcion, on the 27th day of the month of February of the year sixteen hundred and eighty-five. And for its publication I give the necessary commission to the High Constable of this city, or any other able person who through his impediment or other occupation might undertake it.—*Alonso Fernandez Montiel.*—Witness: *Juan de Vargas Machuca.*—Witness: *J. la Rua de la Jara.*

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In the city of La Asumpcion, on the fifth day of the month of March, of the year sixteen hundred and eighty-five, the Field-master, Alonso Fernandez Montiel, Lieutenant General, Chief Justice and Captain of War of this province of Paraguay, by His Majesty, whom God may guard, and Governor in absence of the Field-master Don Antonio de Vera Muxica, who, by superior orders, went to the war of the Chaco: Whereas, according to advise that was sent to me on the twenty-seventh of February last of this year, by the corporals of the village and garrison of Tobati that a Tupí Indian had met an Indian woman of the said village, and told her that the Portuguese of San Pablo were

coming by the river and some by land with Indian allies of those called Tupís, and in regard to this for the better welfare of this province I ordered the publication of the edict which is at the head of this in the public square of this city, and after sending the necessary orders to the said village and the other garrisons on the border up the river, and men equipped and well armed to run through the land and by the river, to ascertain the matter, as it is of such importance, I have sent for the Indian woman who spoke with the said Tupí Indian, to examine her and take a judicial account of what passed between them, in order to proceed to do that be necessary to defend this province, and as it is imperative to appoint for the said examination a person knowing the original language of the Indians of this province, and inasmuch as the Ensign Juan Duarte, High Constable of this city, is capable and sufficiently versed in it, I appoint him as such interpreter, and I comand that this order be sent to him for acceptance, and the usual oath, and being present I ordered this to be read to him and acknowledged in person, which being duly understood by him, he said that he accepted the said appointment, and I forthwith took his oath, which he did in the name of God, our Lord, and by the sign of the Cross, as is lawful, which charge he promised to fulfil faithfully and loyally, as interpreter with the said Indian woman, and give in the Castilian language what she might answer to the questions propounded to her. And he signed jointly with me and witnesses, in the absence of the notary, and on this common paper, there being none with the seal.—*Alonso Fernandez Montiel.*—*Juan Duarte.*—Witness: *Tomás Jimenez.*—Witness: *Esteban Rodriguez Carvajal.*

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#### **Deposition of the Indian woman.**

In the city of La Asumpcion, on the fifth day of the month of March, of the year sixteen hundred and eighty-five, the Field-master, Alonso Fernandez Montiel Lieutenant Ceneral, Chief Justice, and Captain of War, of this province of Paraguay, by His Majesty, whom God may guard, and Governor in the absence of the Field-master, Don Antonio de Vera Muxica, who went to the war of Chaco, in the proceedings ordered regarding the Indian woman, whom I ordered to be brought from the village of Tobati, I made her appear before me, and the Ensign Juan Duarte, appointed as interpreter, and I took her oath in the name of God, our Lord, and by the sign of the Cross, as is lawful, which charge she took and promised to say the truth of what she knew, and being asked to give her name and encomienda, she said her name was Maria, and that she belongs to the encomienda of the Castilian Ventura Marelos. Being asked where she was at the time the Tupí Indian spoke to her, she said that going from the said place to the farm lying before the said village, she was met by an Indian, small in body, who came out of a small woods, carrying a spear in his hand, and clad in grogram and red cotton drawers, praising God, and that she became frightened and

wanted to flee, leaving her little child behind, and that the said Indian began to call her and caress her child, and that she recovered and asked who he was, and he told her he was a Tupí, and that in the company of many Portuguese and Tupis he had arrived that night in the neighborhood, and that the Tupis that accompanied him were very near, pointing to a large woods, and that the others had returned where the Portuguese were lodged, and then the Indian woman saw that the Indian had some black spots in the face, such as said Indians are accustomed to wear. She was asked by the said interpreter what she did with the Indian after that which passed between them, according to deposition so far made: she said that after that he said Indian, without speaking one more word, turned towards the woods and she never saw him again, and that she went in search of her husband and related what had happened, and the two went then to their village and in the best possible manner said to the Spanish Commander what had occurred, in order not to excite the people, and that they might take measures. Being asked if they had seen any spies or any other thing from which it could be understood that some enemies were in the vicinity of their villages, she said that in the last few days they have seen smokes up the river, but she did not know whether they were of the Portuguese or of the Payaguas or Guaycurús Indians, who usually wander through these parts, and that what she has said and declared is the truth of what occurred in regard to what she has been questioned, and she confirmed the oath she had taken. And it was signed by the said interpreter, jointly with me, etc., etc.—*Alonso Fernandez Montiel.*—*Juan Duarte.*—*Tomas Jimenez.*—*Esteban Rodriguez Carvajal.*

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(There follow in this set of documents the records concerning the invasion of the Mamelukes of San Pablo, through the upper Paraguay river.)





### **ACT OF THE CITY COUNCIL**

**of La Asumpcion, calling a Council of War to discuss matter  
concerning the Mamelukes invaders. (\*)**

Resolution of the Council, Justices and Board of Aldermen of this City of La Asumpcion which has under its charge the political and military Government, on account of the absence, imprisonment and impediment of the Serjeant Major, Felipe Rexe Corvalan, Governor and Captain General of it, for the purpose of assembling all the military chiefs in a Council of war, to discuss the means of expelling the Portuguese and Mamelukes of San Pablo, and the Tupís Indians in their military service who number three thousand men, commanded by Francisco Pedroso, who headed them and the towns of Terecá-Mi, Ibirá Parigá, Candelaria and who put the Villa Rica del Espiritu Santo in great peril.

This Council took place on the twenty-eighth of February of the year sixteen hundred and seventy-six, the following being resolved: that an army of four hundred Spaniards and five hundred armed Indians be approved commanded by Juan Diez de Andino, Ex-Governor and Captain General of this Province, giving him ample power for the best success of the proposed expulsion, defence and safety of those natives.

(There follows a list of the soldiers, and the quantity of arms and ammunition which were delivered to the said Commander.)

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(\*) This is a translation of the original document existing in the National Archives of Paraguay which, in a copy duly legalized by the United States Consul at La Asuncion, forms part of group B, No. 2 of the manuscript documents of the « Argentine Evidence. »

The Council, Justices and Board of Aldermen of the City of La Asumpcion, Province of Paraguay, to wit : the Royal Ensign Rodrigo de Roxas Aranda: Serjeant Mayor, Alonso Fernandez Montiel; the Mayor, Captain Francisco del Monte; High Constable, Captain Juan Cabrera de Ovalle, and Gabriel Riquelme de Guzman and Antonio Gonzalez Freire, Aldermen, by virtue of the superior, political and military jurisdiction which we enjoy and posses, on account of the imprisonment, absence and impediment of Felipe Rexe Corvalan, Governor and Captain General of the said Province, for the King Our Lord ; the meeting being presided by Field Master Rodrigo de Roxas Aranda as First Ordinary Mayor in fulfilment of the resolution and Council of War of this day, month and year, which took place in the house of our Board, in the best form of law, we resolve to carry the resolutions to their complete execution and fulfilment by sending the aid to be given to Villa Rica del Espiritu Santo and its districts, with four hundred Spanish soldiers and six hundred and fifty Indias, or a greater number if it can be obtained to fight against the enemy, Portuguese, Mamelukes and Tupís of San Pablo ; and to do so we inform Serjeant Major Juan Diez de Andino, ex-Governor and Captain General of this Province, that, in accordance with the decree of the said Couucil of War and by all the laws and prerogatives, political as well as military, and all other means, we empower him with the greatest authority required in this case, inserting the said decree and the writ which are as follows ; Writ.—In the City of La Asumpcion, in the said 20th. day of February of the year sixteen hundred and seventy-six, the Council, Justice and Board of Aldermen of it, to wit : Field Master Rodrigo Roxas de Aranda, Royal Ensign and First Mayor; Serjeant Major Alonso Fernandez Montiel; Second Mayor, Captain Francisco Martinez del Monte ; High Constable and Captain Antonio Gonzalez Freire, Alderman and Proprietor, assembled in the halls of our deliberations and of the Board as we are accustomed, in order to confer in regard to the service of Our Lord and His Majesty, for the welfare and usefulness of our Republic, and Rodrigo Roxas de Aranda presiding on account of the absence, imprisonment and impediment of the Serjeant Major Felipe Rexe Corvalan, Governor and Captain General of this Province of Paraguay, for His Majesty (whom God Save) after seen the other writs in regard to the coming of the Portuguese and Mamelukes of San Pablo, Kingdom and State of Brazil, and the Tupí Indians, in their military service, in number of one thousand Portuguese and two thousand Tupis who have taken the towns of San Pedro de Teré-Cané, San Francisco de Ibirá Parigá and Nuestra Señora de la Candelaria, and who threaten with great peril the Villa Rica del Espiritu Santo, since the garrison of the said Villa Rica del Espiritu Santo at the time of the resolution of this Council, consisted, according to Licentiate Juan de Zárate, Presbiter, of seventy Spaniards only, because most of them were in the mountains and grass regions as it is the time for harvesting, and because the enemies were troubling and reconnoitring the territory as near as the sites of the new settlements of the Ypanés and Guarambarés Indians, during four months in which they did not appear ; the army of the enemy had now for its headquarters

and deposits of arms the said town of San Pedro de Teré-Cané, where their General is, determined to carry away the natives and families and vassals of the tribes of the said town, under the name of negroes of the land. They declare that if this violence is allowed there would be shedding of blood with other acts as impolite as temerarious committed in disrespect and insult to Spaniards of that town and the arms of His Majesty, and it is necessary to provide for the reparation of what has been done by the enemy and to save this town from the danger in which it is, as well as the towns of all this Province, on account of the intentions of the said Portuguese and the attacks of so many soldiers of their army and as well as of the Guaycurús and Bayas and other unfaithful Indians of the frontier who keep the vassals of this Province in great fear and poverty, as they employ all their means, horses, powder and ammunition in the bloody war, waged since the last night of the year seventy-one, obliging us not only to ask aid of money for buying horses, cattle, cannon powder and ammunition, but also to demand soldiers and a paid garrison for the conquest of the said unfaithful Indians and to save us from the perils in which we have always been from the said Portuguese enemy, as has been shown from repeated experiences and to put a stop to much hostility and robbery of the vassals of this Province and of the great number of Christian Indians which they have enslaved and carry to the said States of Brazil and San Pablo, especially as this town and frontiers are the principal keys to the Spanish dominion as they are right in front of these numerous unfaithful Indians of so many tribes, as well as of the said Portuguese and the nations of the north which have a road by way of the territory of San Pablo to enter those of these Provinces and from it to the Provinces of the River Plate and Tucuman and all those of Peru through the inhabited places and cities and through the lands of the unfaithful Indians, thereby making short cut to the frontier of Peru, and in order that everything shall have the reparation most convenient for the service of His Majesty and safety of his Kingdoms and the vassals of said Provinces:

We resolve that a Council of war take place with the attendance of all the active officers, and those on half pay which have military and political experience or who may have news of the Portuguese enemies; the most important ones are to be called and appear before this Council to-morrow the twenty first of this month and year; this writ is to be read to them as well as the other papers in the case and they are to be asked to propose the most efficient means for the aid of the said town and for the defense and reparations of the said vassals and tribes captured; so as to drive out the said Portuguese, mamelukes and Tupís, and free the lands vassals and Provinces of His Majesty so that they may be tranquil and pacified without any trouble and also to consider what garrison is to remain in this fortress for its defense and in the convenient places to watch the intentions and treacheries of the said Guaycurús and Bayas enemies, who now under pretext of peace are keeping up the present truces until the aid arrives which has been asked of his Excellency and of the Royal Superior Audiencia of La Plata for their chastisement and conquest of the enemy, so that this fortress will

not suffer any detriment while giving aid to the Villa Rica del Espiritu Santo and its district nor in case of failing to give it in order to attend to guard of this fortrees against the said Guaycurus and Bayas the same harm which will be suffered by the said Villa can be avoided and the said restitution and liberty of the tribes mentioned will be accomplished; and what means, ends and soldiers will be needed for one and the other object, how many Spaniards and how many natives; we have ordered that the writs be drawn in order to inform His Majesty, His Viceroy and the said Royal Superior Audiencia of La Plata and to provide what is most convenient for the Royal Service, and we thus resolve it and signed it before ourselves and two witnesses in the absence of a notary and in common paper, as there is no sealed one.—*Rodrigo de Roxas Aranda*.—*Alonso Fernandez Montiel*.—*Francisco Martinez del Monte*.—*Antonio Gonzalez Freire*—witness, *Pedro Villasante*.—witness, *Juan de Herrera y Abreu*.

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**Decree of the Council of War.**

In the City of La Asumpcion, on the twenty-first day of the month of February, one thousand six hundred and seventy-six, the Council, Justice and Board of Aldermen to wit: Field Master Rodrigo de Roxas Aranda, Royal Ensign and Second Major, Captain Francisco del Monte, High Constable Captain Juan Cabrera de Ovalle, Captain Gabriel Riquelme de Guzman, Antonio Gonzalez Freire. Aldermen, the said Field Master Rodrigo de Roxas Aranda, presiding on account of the absence, imprisonment and impediment of the Serjeant Major, Felipe Rexe Corvalan, Governor and Captain General of this province for His Majesty, whom God save, the whole Board of Aldermen being present, with the active officers and those on half pay, who will give their opinion and who will sign their names in this Council of War, in conformity to the decree passed by this Council on the twentieth of this month and year; an account of all the documents of the case was ordered to be given and what was determined in regard to it up to date, so as to hear and understand the object and purpose of this Council of War, the said First Mayor suggested, in the name of this Council, that the Serjeant Major, Juan Diez de Andino, ex-Governor and Captain General of this province, to express his opinions, as he has sufficient experience and knowledge of the militia and the condition of this fortress and frontiers and also because he has worked a great deal in these matters and he has been a long time in the service of His Majesty in the war with Catalonia and Portugal, and His Excellency thereupon said and expressed his opinion as to the points of the said decree before this Council in the following form: That he does not deserve the great honor done him by the said Council, and that he submits to the better opinion of the ministers and gentlemen of this Council and the Superior offices, his views which are: that immediately, without losing any time, the Villa Rica del Espiritu Santo and its districts be aided, not only

because it is our duty to do, so as we are vassals of the same King and belong to the same province, but also because the Portuguese are proceeding in violation of the stipulations agreed to in the Royal Letter of the twenty-third day of February of the year one thousand six hundred and sixty-eight, published in this fortress and in the said Villa, and because they have dared to tread on our lands, with an army and armed people without the consent of His Majesty, and without notice to this Government, above all through forbidden ports and places, carrying hostilities, depriving us of the vassals conquered and submitted by His Majesty and the Spaniards at the cost of so much property, blood and labor, without our ever going to trouble them in their lands nor doing any harm whatever. That in no way the garrison of this fortress should oppose the defense because, by doing so they serve His Majesty as they have been entrusted with the care of this district and of the Villa, and the forces should be divided and life sacrificed in the Royal Service. In accordance to this, he thinks that the said aid should be at least of five hundred Spaniards, well-armed, provided with ammunition and with a sufficient number of horses, as cavalry is the best against the said Portuguese, as they are infantry: and also fifteen hundred Indians of war, who can be raised in the tribes of the vicinity, as none can be expected for this aid from the Paraná, this aid is to be under the command of the chief, most steemed in this fortress, our army to be provided with horses and cattle by the vassals of this city without excusing anyone and that the garrison and defense of this fortress against the Guaycurús and Bayás enemies, be made with the soldiers remaining, merchants and foreigners and all the clergy, students and lay-brothers and all the priests, without any exception whatever, and all the slaves and mulattoes and freemen, Indians and all other persons, forming companies; in this wise this fortress will have a sufficient garrison, for if the contrary be done, neither the fortress nor the said Villa, nor the province, will be secure; and that for further steps, they should ask His Majesty and his Courts, demanding aid of arms, powder and people, and also to the neighboring Governments.

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The Field Master, General Lázaro de Vallejo Villasanti, Captain of War and General Superintendent, who has charge of the arms of this fortress, in the name of the Council, having been requested to express his opinion by the said Mayor, said: that he agreed in everything with the opinion of the said Juan Diez de Andino, as his judgment was the most judicious as to the way in which they should proceed, and there being no other alternative but to divide equally the garrison of this city and the fortified places of the coast.

The Field Master, General Pedro Vallejo Villasanti, who is at present Commander of the battalion of this fortress, said that he agreed with the opinion of the said Serjeant Major Juan Diez de Andino, and that he only differed as to the five hundred soldiers to be taken away, as he thought that number was too large.

Capiain Juan Patiño de Haro, Attorney General of this city, said that he agreed in everything as to the aid to be given and that as to the number of soldiers, he was of the opinion that four hundred were enough.

The Castilian Francisco de Roxas Aranda said that he agreed as to the aid to be given, but that the number of soldiers should be four hundred.

Captain Diego de Yegros, official Treasurer of the Royal Treasury of this city, said that he agreed as to the aid to be given, but that the number of Spaniards be only four hundred.

The Field Master, Agustin Corvalan y Castilla said that he agreed with everything said by the Serjeant Major Diez de Andino.

The Serjeant Major Antonio Cañete said that he agreed with the opinion of the said Serjeant Major Juan Diez de Andino.

The Castilian Juan de la Peña, now of the castle of San Miguel de Itapúa, said that he agreed with the opinion of the said Juan Diez de Andino.

Captain Pedro de Zamora y Mendoza, Captain of one of the Companies of Cavalry of this fortress, said that he agreed with the opinion of the said Juan Diez de Andino.

Captain Manuel Flores y Bastidas, Captain of one of the Companies of Cavalry of this fortress, said that he agreed with the opinion of the said Juan Diez de Andino.

Captain Juan Ortiz de Zárate, Captain of one of the Companies of Cavalry of this fortress said that he also agreed in everything with the opinion of the said Juan Diez de Andino,

And the officers of the said Council, Justice and Board of Aldermen, gave their opinion in the following manner and form:

The said Field Master Rodrigo de Roxas Aranda said that he thought the said aid should be made with four hundred Spaniards and five hundred Indians.

The said Serjeant Major Alonso Fernandez Montiel said: that the aid be immediately given with five hundred Spaniards and five hundred Indians.

Captain Francisco Martinez del Monte said that the aid be given with the said five hundred Spaniards, and all the more possible, and five hundred Indians.

Captain Juan Cabrera de Ovalle said the same thing as the High Constable.

Captain Gabriel Riquelme de Guzman said that he agreed with the High Constable.

Captain Antonio Gonzalez Freije said that he agreed with the others Aldermen.

And all were of the opinion, in the Council of War, the Board, as well as the active officers and those on half-pay that the said aid should be sent in charge of the Serjeant Major, Juan Diez de Andino, as it is convenient for the service of His Majesty, in whose name he is asked for a third and last time, to aid us with his person, without replying or excusing himself, and calling his attention to what is ordered by the laws, ordinances and military regulations in similar cases. And the said Serjeant Major Juan Diez de Andino

being present, he said that, in order to serve, as it is his duty, His Majesty and this republic, he accepts the command of the said aid, and that he is ready to keep and obey everything ordered to him, and he promises to start as soon as possible, as soon as the men of the aid are delivered to him together with the necessary arms, powder, ammunition, horses and provisions; and to do everything that he can as an obedient and loyal vassal of His Majesty, pledging his life and all the labor and industry that he can, without omitting anything; he thus expressed himself, and thereupon, this Council, Justice and Board of Aldermen, by virtue of the Political and Military Jurisdiction which they lawfully possess and exercise, on account of the absence, imprisonment and impediment of Phelipe Rexe Corvalan, unanimously and in conformity, gave the necessary legal commission to the said Juan Diez de Andino, with full powers for the best exit and carrying out of the aid, giving him for this and for everything relating to, the most extensive and general administration, with general superintendence over all the superior and inferior officers, soldiers, residents and neighbors, Spanish as well as natives, of said Villa and district and of all the territory and places through which he may pass, or wherever the army will stop either on going or coming, with expressed authority and full power to appoint officers for the war, superior and inferior, to remove and take from the said Villa those who may be convenient, appointing others in place, the said Juan Diez de Andino to have all the authority invested in him by the laws and military ordinances and to use the necessary military insignia of office; and he is to give full account of everything to His Majesty and the Courts, so that his services will be rewarded, especially this one of aid so important and of so much consequence as any that can be done for the Royal Service in these provinces; and thereupon all the active officers and those on half-pay of this Council, unanimously and by common consent, said: that for their part in this Council, Justice and Board of Aldermen, in the name and representation of the militia of this fortress and of the officers and soldiers and of all the province, they said they gave in the due form of law, their vote, agreeing with the designation for the office, and with what has been decreed by this Council of War and by the Council of Justice and Board of Aldermen as they deem it to be for the service of His Majesty and the safety and defense of this province; and in order that it shall be binding, it was ordered that the papers of the appointment be given, inserting therein the proceedings of this Council of War.

He was also empowered with full political jurisdiction in regard to the said aid, and also in the towns and places, through which he passes, wherever he resides, as well as in the said Villa and in all the towns of that district, with the same supervision as in the military branch of Government, and all the authorities are to be informed of it, so that they favor and aid him in everyway, without replying or excusing themselves, as it is in force by virtue of the decree of this Council who has superior political and military jurisdiction. And the said active officers and those on half pay, by their expressed opinion and the vote which they have given, together with that of the



Council, in what refers to the military Government as well as political, agree that he be granted full powers in law and without any limitation whatever, as signed by the Council to whom the execution of this decree belongs, and the necessary arms, powder, and ammunition be taken from those that His Majesty has, in charge of the said Treasurer and the Royal officers, in the Royal treasury of this city, as well as field pieces and powder and ammunition, and that the horses and cattle and tobacco needed be obtained from those having them, pro rata ; they are to be taken wherever found, the expenses to be borne by the community of this city, and an account of all to be given to His Majesty and his Courts with testimonies of these writs, and that requisitorial letters, in due form, be sent to the Governors of Plata and Tucuman and to the Justices of the cities, towns and places of their districts, so that these writs and reports will pass from hand to hand until they arrive to the vessels in the port of Buenos Ayres and to his Excellency the Viceroy of these Kingdoms and to the Royal Superior Audiencia of the Plate, so that they will be advised, and that Field Master Dionisio Robles, Knight of the Royal Order of Santiago, Governor of this province of the River Plate, will aid this fortress with four hundred fire-arms, two hundred fire-lock guns and carabines and the other two hundred pistols, with two hundred cutlasses and short swords, and two hundred swords, with two hundred arrobas of powder and the same amount of lead or ammunition and providing the part belonging to him of the necessary soldiers and men for the garrison of the towns of Uruguay, for their guard and security and for those of the provinces of Paraná ; those of one and those of the other province together, would become secure, with the garrison sent by that fortress, for the principal aim of the plans of the Portuguese, mamelukes and Tupís is to imprison and enslave the families and vassals of those provinces, whom they call negroes of the land ; and that the said Portuguese be acquainted with the despatch given by this Council, inserted in the Royal letters of the community, so that in compliance with and obeying it, they retire and leave our lands and towns, free and unrestrained, restoring all the families which they may have in their power ; it was thus agreed to, decreed and signed, before this Council, Justice and Board of Aldermen and two witnesses in the absence of a Notary who signed it also, together with the said active officers and those on half pay of this meeting and Council of War, in this common paper, because there is no sealed one.—(Twenty-one signatures follow.)

According to which we commanded that this despatch be given, ordering and requesting the Serjeant Major Juan Diez de Andino, that considering what was resolved in the Council of War herein inserted, to keep and obey everything decreed, and to carry out the instructions which will be delivered to him with this despatch ; he is to take, under his charge, the four hundred Spanish soldiers, and six hundred and fifty Indians to aid the Villa Rica del Espíritu Santo and the towns and its district against the enemy, Portuguese, mamelukes and the Tupís of San Pablo, and on arriving at the said Villa and its district, if he finds the said enemy there, he will compell them to immediately and without any lost time, to depart and leave our lands free, quiet

and pacific, and to go to the territory of San Pablo, never to dare to return to these places, making them restore all the Indians and families imprisoned, not only of the towns of that vicinity, but also of the said Villa, negroes, mulattoes, Spaniards or other persons whatever, of any class, condition, race, age or sex ; and he will carry this out by forcible means, fire-arms and blood, or by treaty and stipulations as he might think best and determine ; without waiting for any move of the enemy, and following everything ordered herein, he will make war to them as soon as he sees them, as the occasion demands, trying to bring together the arms and Spanish soldiers and natives of the said Villa and the towns of its district with the army which goes to the aid of the city, giving them arms, as we understand they were deprived of them by the enemy, and in case that the said Villa has been captured, and that the enemy alone, or with the Spaniards, Indians and families of those tribes, has started and marched in the direction of their lands, he will follow them until he comes up to them, and if he cannot do so he will retreat from the part and place which he may deem best, without any differences among the officers and soldiers of the said army and those of the said Villa, in everything herein before stated and hereafter said ; but they are to attend any Council of War to which they are called to be consulted, and they cannot excuse themselves ; they are to obey the said Juan Diez de Andino in what he may order, absolutely. And in case that by victory of our arms or by treaty or stipulation or by any proper means, any Indians enemies, Tupís or unfaithful Indians taken by the said Portuguese enemy, be captured, in small or large numbers, he will distribute them to the soldiers going to the aid of the said city, so that their services and the great expense with which they have armed themselves and their excessive work, have some remuneration, and in another occasion they will be encouraged by the reward, doing, as they have in this instance, their duty and complying with the obligation of blood, nobility and of descent from the ancient settlers and conquerors whose great feats and enterprises of valor are recalled to them, so that they, for their part, will try to advance and distinguish themselves in the Royal service and defense of our country and of the Holy Scriptures, in which we believe as Catholic Christians ; in that way, on the one hand, the public and common cause of this province would be defended, and the Crown of our Catholic Monarch, King and Lord and Our Holy Mother Church, and on the other, we would destroy what has been said that the residents and neighbours of this Villa had sold themselves without making any resistance or stipulations whatever, surrendering and delivering their arms to the enemy ; but, as this is so grave and difficult to believe in Spaniards, we suspend judgment, requesting the said Serjeant-Major Juan Diez de Andino to inform as to the truth and to draw a concise verbal process and send it to this Council so that an account of it be given to His Majesty and Superior Audiencia, and also of the distribution made of the said enemies or any other which in the course of their march or by any cause whatever, may be conquered or captured from the gentiles and woodsmen of the remote lands of these provinces, and which may be apportioned according to the rank, merits and services of each officer and soldier, and

their feats and acts ; we pledge the word of His Majesty that this apportionment will be respected, for their part, assuring the soldiers and officers of this army of aid that the distribution will be certain and true with perpetual bondage; notwithstanding any laws and ordinances to the contrary, because the present occasion requires it and the said Tupés enemies besides being slaves of the said Portuguese are enemies of the Royal Crown, and accustomed to cause damage and war and rob the vassals of this province, capturing and carrying them away as slaves, under the name of negroes of the land, and the unfaithful woodsmen, since they were already in the power of the enemy they were under the said slavery and it is proper that they should be distributed to perpetual bondage, provided they are not held as slaves, nor can they be sold, but they are to be perpetuated in the house of each soldier ; for this, authority will be given to Juan Diez de Andino. The said Andino will also appoint the Field-Master of the army, the Serjeant-Major, Captains of cavalry and infantry, Lieutenants of infantry, Sub-Lieutenants, Aids, Serjeants, or other officers of war, and he will give them the necessary commissions, reforming and removing those which may seem proper and putting others in their place whenever he wish, using all the military and political powers which this Council could and should use with the men of the said army and in the said Villa and other towns and places, and wherever he passes, stops or resides in going, stopping, or returning to this city, taking notice of all the military and political questions according to the laws of the Kingdom and the ordinances and military prerogatives, punishing the disobedients according to law, and finally to do, order, and command everything which he may think best in the circumstances before him, trying to inform, on all occasions, the Council of the success of his journey and of the state in which it is and what he may need so as to give and send him the needed assistance, for he has for all this and what relates and refers to it, and is incident and dependent thereto, for every and all things, power and also the exercise his military authority as Royal Justice whenever he please, for all this we grant him power and authority as sufficient as required by law for a Superintendent, as he is, in political and military matters, by the decree of the said Council of War, of the said army of aid ; and in the necessary cases and for more assurance we ratify the power in the name and stead of the community of all this province by giving our vote and delegating to him the military and political jurisdiction which we lawfully exercise in this government on account of the reasons above expressed. And we command the Field Master, Serjeant-Major, Captains and others military officers to be appointed of the said army and all its soldiers, and all the Indians and natives therein included, and the Lieutenant Field Master, Serjeant-Major and other officers of the said Villa, Council, Justice and Board of Aldermen, residents and neighbours and the towns of its district and of any other place or part, through which the said Juan Diez de Andino passes, on going or returning, or wherever he resides, to recognize him as such Chief and General Superintendent of the army on all military and political questions with all the said authority and power, and to obey, fulfil, respect and keep his political and military orders and decrees under

penalty that if they do not, they will be punished and they will be in bad predicament with the Royal Crown, and will suffer what is ordered by the laws, pragmatics and ordinances, as they are considered by us to be therein included and condemned whenever their disobedience is proved ; and under the same penalties his privileges and immunities, honors and prerogatives are to be respected with great honor and consideration, because of his office and because he has been our Governor and Captain General, considering him as if he were so at present ; and let this despatch serve as instruction, as there has been no time to give them apart, and let this aid be published by Serjeant-Major Alonso Fernandez Montiel, Mayor of this city in the public square of arms (plaza de armas.)

Given in La Asumpcion on the twenty-second day of the month of February of one thousand six hundred and seventy-six, before me and two witnesses in the absence of a Notary and in this common paper for want of sealed one.—*Rodrigo de Roxas Aranda, Alonso Montiel, etc., etc.,*

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In the Paso del Arroyo de Yaguy, in the road to Villa Rica del Espíritu Santo where the army going to its aid, encamped, in charge of Serjeant-Major Juan Diez de Andino, Ex-Governor and Captain General of these provinces of Paraguay by appointment of His Majesty (whom God save) on the second day of March, one thousand six hundred and seventy-six, before me, Serjeant-Major Alonso Fernandez Montiel, resident and Mayor of the city of La Asumpcion, and before the witnesses of the above writ, obeying the order and commission given me, I order the despatches and powers given to the said Governor Juan Diez de Andino, by the Council, Justices and Board of Aldermen of the said city of La Asumpcion to be read, notified and acknowledged to all the Spanish soldiers and other persons of the said army for the compliance of everything contained in those despatches ; this was well and fully done, all the Spanish soldiers and those on half pay being present, in high and intelligible language as contained in the preceeding sheets, etc.—  
ALONSO MONTIEL. As witnesses *Juan de Herrera y Abreu, etc., etc.*



**Report of Diez de Andino regarding his expedition to drive the  
Portuguese from the dominions of Spain. (\*)**

In the village of Nuestra Señora de la Candelaria, on the fourth day of the month of April of the year sixteen hundred and seventy six : I the Serjeant Major Don Juan Diez de Andino, Governor and Captain General that was of this Province of Paraguay, by His Majesty whom God may guard, by virtue of the charge and commission given to me, ordering the relief of Villa Rica del Espiritu Santo and its district, in the pursuit of the enemies, the Portuguese Mamelukes and Tupís of the States of Brazil and Villa de San Pablo, by the Council, Justice and Municipality of the city of La Asumpcion, the head of this Province, by voice and in the name of the Commonwealth of her residents, I say, that having been called to a meeting and Council of war by the said Council on the twenty-first of February of this current year, and the commission of the said relief and charge being decreed, I accepted it to serve His Majesty and took leave of the Lordships of the said Council on the twenty-fifth of the said month, asking for the commission and all the men and sundries that were needed, starting to that effect to the garrison of the spot of Pirayú which had been selected for the muster and inspection of the men and arms, and I attended to the same, made by the Serjeant Major Alonso Fernandez Montiel, Common Justice of the said city of La Asumpcion, and the Captain Don Gabriel Riquelme de Guzman and Antonio Gonzalez Freire, Aldermen and Deputies appointed for the purpose, by the said Council, on the twenty-sixth, twenty-seventh and twenty-eighth, until on the twenty-ninth, I marched with the said Common Justice and the mustered

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(\*) This is a translation of the original document existing in the National Archive of Paraguay which, in a copy duly legalized by the United States Consul at La Asumpcion, forms part of group B., No. 3 of manuscript documents of the " Argentine Evidence."

men to the ranch of Sebastian de Lucas. And the said Aldermen returned to the city to drive the men that were wanting, and on the first of the month of March, I marched from Pirayú man de Yaguy, twenty leagues distant from the said city of La Asumpcion, where we met the Serjeant Major Salvador Marecos and many soldiers. On the following day, the second, the soldiers that arrived at the said place of Yaguy joined us, and four hundred and fourteen Spanish soldiers and the Indians that arrived delivered their commissions and despatches to the Lordships of the said Council, through the said Common Justice, some of the mustered remaining behind on account of sickness and with orders for the Indians that were wanting to follow me, and I appointed officers by order of the same day, forming companies. I marched from the said place of Yaguaron towards the two creeks and on the following day, the third of March, I continued to the ranch called of Bogado, where I halted and despatched the Lieutenant General Fieldmaster, Don Francisco de Avendaño, with some soldiers to the road of Yaguy and to that of Tuty and Caa-zapá, the Adjutant Miguel Passon with other soldiers to hurry on the arrival of the Indians that were wanting, and as scouts and pioneers Don Santos de Toledo and the Captain Francisco Fernandez Gante with three Indians of the lower Provinces ; and the said Indians having arrived in the said place of Bogado on the fourth day, in the evening, I marched with the number of three hundred and fourteen Spaniards and seven hundred Indians, more or less, on the said day, the fifth, to Teyupá-guazú, and on the sixth to the edge of Monte-grande, and on the seventh to the place of Iquiré, and continuing on the eighth towards the village of Guarambaré, I learned on the way of the retreat of the enemy, from various persons who received letters from the Licentiate Don Juan Mongelos Garcés who came in the army of the enemy, and gave me an account of the said retreat, and of how the enemy took with him the families and Indians of the tribes of the said village ; and having arrived this day, the eighth, in the said village of Guarambaré ; I left in it nearly three hundred tired horses and Spaniards and Indians to guard it ; and on the following day, the ninth, I passed the Empalado, and on the tenth, Boycha, meeting on the road many families that came fleeing on foot and many others that were inside the woods, saying that the enemy was trying to return to San Pedro de Terécañé to behead them ; and after commanding them severely to follow me and to return to the said village, whenever I met any, I went along and gave a verbal commission to Fernando del Villar, Justice of the Court of the said village, and to the Serjeant Major Salvador Marecos and other persons, to hold those families and turn them into their neighborhood, and to spread this order, and arriving in the said Boycha I wrote the said Council about my march, the retreat of the enemy, the state of the pursuit, and other happenings ; and halting at eleven with my men, the said Licentiate Don Juan Mangelos Garcés came towards me and told me that he was a navarre married in San Pablo, and the object of his start from his neighborhood ; and learning from him the particulars regarding the intentions of the enemy and its forces, I resolved to take him in my company leaving in reserve in the said village two sons he has, two slaves, and two

Tupís Indians that were left to him, as the others which he possessed had run away, and especially two that had followed him as far as the said village, returning to join the enemy; and he gave me extensive news of the information received by the enemy on the third of the said month of March in the said village of San Pedro de Terecañé, of my departure with the army that I conducted for the relief of the said village and villages of its district, through a mulatto deserter called Rafael, a slave of Juan de Barcelona, a neighbor of the said city of La Asumpcion, who arrived with the said information at the said village while the Licentiate Don Juan de Mongelos was there, who himself saw, marching towards their canoes with great glee and pleasure on Wednesday the fourth, the Indians and captive families with some Tupís and Portuguese as guides, because the attachment and love that the Indians had for the enemy prompted their precaution and excess of watchfulness, because they themselves surrendered and were received with flute music in each village, and others joined them and followed them on the road and halted on that day. The other Portuguese of their army were in the said village of San Pedro de Terécañé to await the Indians of Maracayú, and some thirteen Portuguese who went to bring them determined to go back to their canoes at a rapid gait, forcing marches, the following day Thursday, out of fear caused by the information of the said mulatto, which they did in effect. And the said Licentiate Don Juan de Mongelos took leave of the said enemy on the said Wednesday, for the said village whence he wrote me the said letter, and jointly they came to the creek of Tandiy where I halted with the Fieldmaster Rui Diaz Melgarejo, Lieutenant of the said village, the Ensign Bartolomé de Escobar, and Anastasio Cristaldo, Common Justices, and the Fieldmaster Manuel Cristaldo, Royal Ensign, and the Captain Francisco Fernandez de Mora, Alderman, and gave me the news of the retreat of the enemy taking the families and Indians of the villages of San Pedro de Terécañé, San Francisco de Ybirá-parigá, San Andrés de Mbaracayú and of this one of Nuestra Señora de la Candelaria, restoring to the neighbors of the said village the firearms that were taken from them, leaving the native Indians in liberty as had been agreed upon with the said enemy, and making the charge to the said Lieutenant Justice and principals of their having surrendered arms and consented to the plunder of the families and natives of the said villages whereby the former and the latter have to leave these frontiers and the rest be abandoned by the residents, to the great discredit of the Spanish reputation; they answered that it was because the said enemy had taken possession of the villages referred to, without being felt, gaining beforehand the good will of the families and natives of the same, pretending at the same time with their missions and courtesies much Christianity and submission, assuring them that they were not enemies, nor pretended to hurt them, and because of their wish to comply with the capitulations of peace made in the war of Portugal and Castile; and that protestations having been made to them that there would be no bloodshed or movement of arms on either side between Christians, they reciprocated with the same protests and courtesies; and also because the majority of the residents of the said village were in the grass



lands occupied in the cultivation of the same, and others were out in their haciendas, as it was seen by the few people that responded to the call of arms, and which, even had they all been together and lacking the principal, which was powder and ammunition to repulse them, could have not succeeded although they attempted it ; and that these causes had prompted them to surrender the firearms to the enemy on account of their promise to restore them and to leave in liberty the said native Indians ; and that the families and residents of the said village, annoyed and frightened at having sent word to the enemy that you would return from San Pedro de Teré-cañé to behead them and take away the natives, took to flight abandoning their houses and farms ; the said Lieutenant Justice and principals being unable to remedy this, either by pleadings, protests or edicts which were promulgated to quiet them and which they did not heed, and there being no means of stopping them and bringing them back to the neighborhood. Wherewith, pointing to them the gravity of the delinquency and the remedy demanded by the case and, as with the means in my charge to repulse the enemy and to defend the said village, they were safe and saw they could not stop my bringing back their families to their neighborhood and houses, I commanded them to return and restore them to the said village. And on the following day, the twelfth, marching my men without delay to the village of San Francisco de Ibirá-parigá, I entered the said village with some officers and soldiers and published an edict ordering that all the neighbors and dwellers of the same should follow me, in order that our army should be provided with people familiar with the lands within reach, which we were following, using this pretext so that with the pressure of the penalties of the said edict they could not excuse themselves for again leaving the neighborhood, and I wrote to the Lordships of the Council of the said city of La Asumpcion giving an account of all that had been accomplished up to that day, in the handwriting of the Licentiate Sebastian de Vargas Machuca, Curate of the village of San Benito de los Tois y Aterá, Chaplain Vicar and Purveyor of the said our army, and I delivered it sealed to the said Lieutenant Fieldmaster Rui Diaz Melgarejo, that he might despatch it to the said city of La Asumpcion with the two sons of the said Licentiate Don Juan Mongelos Garcés, his two negroes, and two Tupís Indians, in charge of Hernando Gonzalez, in the presence of the said Chaplain and of General Don Francisco de Ledesma Valderrama, the Fieldmaster, Francisco de Avalos y Mendoza, and other persons in the Convent of San Francisco of the said village, after which I took leave and left the said village of Ybirá-parigá, whence on that night, finding no residents in the said village, I wrote a paper to the said Lieutenant charging him with the commission, recommending the importance of the enterprise and ordering that he should arrange that all the ruas of the said village that could, should follow me, and on the following day, the thirteenth, the Fieldmaster Alonso de Villalba and ten residents of the said village arrived at the said village of Ybirá-parigá, and I marched with them and my men to the village of San Pedro de Teré-cañé, where we took rest leaving most of our clothing, provisions and supplies and more than three hundred tired horses and three

hundred head of cattle, remaining in care with some soldiers and Indians, the Captain Don Luis de Céspedes, and arriving at the said village, a Tupí Indian, called Ignacio, he gave an account how he escaped from the army of the enemy from the river Ygatimi, and that they were marching at a quick gait, day and night, forcing marches, and that on the way he met the two negro slaves that were kept in the said village for the said Don Juan Mongelos. Then upon the following day, the fourteenth, we marched to the creek of Itarrá, where we found two dead bodies; and on the fifteenth we passed Aua Siririca, and thence I despatched the Lieutenant Gabriel Delgado de Irala with twenty soldiers and six Indians as scouts up the river Igatimi; and on the sixteenth we journeyed to the other shore of the first tributary of the river Igatimi, where we found a Tupí Indian called Sebastian, who gave us the news that the enemy had left the said spot five days before; and on the seventeenth I marched to the second tributary of the said river Igatimi; and on the eighteenth I passed the third tributary and encamped on the other margin of the fourth tributary of the said river, whence, on the same day, I sent as scouts Juan de Areco and Juan de Ojeda and five Indians; and on the nineteenth day of the Lord St. Joseph, at dawn, I received advice from the said Juan de Areco that the enemy had encamped that night about two leagues and a half distant from our camp. With this we hurried on, and as there were a great many pools, which took a great deal of our time to cross, and having had many false alarms from the scouts, who said here is the enemy, and there, obliging us to halt several times and get in order to attack wherever we might reach them, we marched seven leagues, until at a distance of half a league, we saw their smokes and camp between three and four o'clock in the afternoon, more or less, and pressing the march a great deal more, on passing a creek we saw three Tupís, and as they intended to run away we caught them, and when questioned they answered, showing the smokes and the camp of the enemy: «There are the Portuguese waiting for you, they are a great many and valerous.» And they told that the Indians of Ybiráparigrá, Mbaracayú, and a greater part from this village of La Candelaria, were in their canoes at the Port of Amambay, and that there were only people of the village of San Pedro de Terécafé and a part from this of La Candelaria in the camp of the enemy. Wherefore I consulted and counseled with my soldiers and officers, and thus having had no success in overtaking them, marching or encamped, as it was late and the enemy had gained the mountain and an eminent spot which leads to their canoes, and my people were exhausted and tired of having been in pursuit, with long journeys beginning at the ranch de Bogado, where marching was begun on the fifth of March until the nineteenth, and they went nearly a hundred and fifty leagues in fifteen days, beating through rough mountains and wading creeks and pools of unknown countries by means of fascines, and extended waters and abundant rivers, opening the passes which the enemy left closed in all the woods and places that offered a chance, and lastly, owing to our being in a very low land with a marshy river running through it, which served as pit for the enemy, which reasons demanded attention; and on the other hand, the evidence presented by the enemy having

discovered us, they might leave that night for their canoes without our being able to give them battle, for if they got to their canoes that night it would not be possible to take them on the following day, as they had the said woods to cover them without showing the locality. The difficulty and extension of the said mountain, full of marshes and other difficulties which they held, and especially in view of the knowledge they had of the passes, without any danger for them and evident risk for us, in such a manner that they could protect the captive families and the rest of their men meeting us from ambush with very few soldiers, and also having a deep and marshy creek at the edge of the woods near the port of their canoes, the wading of which was not possible to accomplish without much loss of men and a great deal of time and difficulty, in which interval the enemy had ample time to embark and navigate down the river and into the Paraná before we could have found the said pass and egressed from the woods, as was told by the said Tupí Indians and the report of the said Don Juan Mongelos Garcés, whose faithfulness had been tested by the truth of the facts up to date; and in view of this it was resolved to give battle at once so as not to be idle, judging it infallible that if the battle was given the families and Indians of the village of Teré-cafié and a portion of this of La Candelaria, which were in the camp of the enemy, would come over to us, and with this understanding we put the men in order and passed the said river and pool, falling one over another, and marching up-hill with our cavalry and infantry we attacked him with all gallantry and firmness. The enemy received us with their arquebuses with great valor, and as I went to the relief of the left flank in my command, where the men were in a whirl, my horse was killed by a shot, throwing me down with the said horse; another I received on the shoulder, but did not wound me owing to the protection of my armor. And although we took their camp and barracks when the enemy fled to the mountains, as in the fall of my horse and my accident, the Indians and some soldiers were busy in pillaging clothing, tools, chains and iron collars, and some powder and bullets. The enemy sought shelter on the stumps and trees of the said mountain and attacked us strongly, killing us, some Spaniards and many Indians, in which we persevered until we knew our losses, when we withdrew two hundred paces in order that the enemy might come out of the woods, as in effect they came out to their camp to attack us, and when we charged, they again gained the woods and we took their post for the second time, and they, behind the stumps, assailed us as before; and in this state night came upon us, and we improved our encampment on this border of the river and pool, taking from the enemy forty souls of this village of La Candelaria and taking prisoners eleven Tupís, besides the other three we caught the same afternoon in the creek referred to. And that night, at about ten, more or less, the enemy began to fire upon us several times from their encampment in the mountain without inflicting any damage, and the wounded were attended to by the said Don Juan de Mongelos Garcés, of which afterwards three Indians died from chills. And on the twentieth day, at dawn, improved in position, the wounded and the horses taken care of, we brought back to our

camp those that had dispersed on the occasion of the battle, to continue the march to the port of the canoes and see whether we could cross their path somewhere. The Fieldmaster, Francisco Avalos y Mendoza, who was on the other side of the river with some soldiers, discovered the enemy leaving the mountain in full speed after him and his soldiers; we signaled with a handkerchief, returning to our camp in full career of our horses, took weapons and formed line of battle, and discovered a greater number of enemies than the preceding day, who, coming down the said river with great noise and war whoops, charged upon us forthwith at noon, more or less; with the river between us we received them with many others, and repulsed them, and they, taking possession of the woods, did not stop firing, coming out at times with great speed and running close to the river to fire upon us, whence we put them to flight several times in the continuous battle that lasted all the afternoon, in which, whenever they came near, we wounded and killed many men without having on our side more than one wounded, and although beating up and down the river, and by means of the passes effected with fascines and sticks, we attempted marching to the other side of the river at the beginning of the battle, we found it would not do, as the enemy, under cover of the mountain, only pretended to deceive us to destroy us without risk and without themselves receiving any injury, because, besides the river being within musket shot of the said woods, on the other side we always remained uncovered in low lands, without any protection and with danger of retreat behind us, and in front of us the enemy covered by the stumps and trees whence the day before they had inflicted so much damage upon our people; thus with the coming of night the battle ceased, and we were not sorry then, nor on the following day, the twenty-first, when, although we were in want of powder and ammunition to the extent that had we not retrieved from one and the other during the plunder of the camp of the enemy, it might be possible that we would be short of them at any moment; we waited that day to see if the captive Indians, and especially those that took part in the said battles, would come out to seek us, which, if they had wanted, they could have done then and at the same time of the encounter, as was done by the forty souls which came over from the camp of the enemy on the nineteenth, but as they had their own will in following the enemy, they did not come, wherefore on the arrival of forty neighbors from the said village with the Fieldmaster Juan de Leiva on the twenty-second, we called a Council of War in the barrack of the wounded, and it was accorded that it was not advantageous to continue marching to the canoes of the enemy. In view of all the causes referred to, it being evident that there was risk in the pursuit, and danger of losing our reputation and men fruitlessly, as the enemy had reached their canoes and the farms they possess on the other border of the river Amambay, the navigation of which was sure and quick downstream into the Paraná and principal port of the camp of their retreat and the farms they have on the other side of the said Paraná and the lands adjoining those of Brazil, about which the said Don Juan Mongelos Garcés and the said sixteen Tupis were in accord, it being, too, held for certain in the said Council of

War that such was the custom of the enemy and the knowledge and judgment of the oldest soldiers, we being short of canoes, cattle, horses, powder and provisions, and having lost the hope that the families that so willingly went to Brazil with the enemy would come over to us in spite of our best endeavors to return them to our lands and their surroundings and villages, we resolved to retreat, taking with our army the fourteen Tupís prisoners and the other two, Ignacio and Sebastian, and the forty people of the families of this village of La Candelaria, in which retreat we suffered great calamities from marching on foot, most of the men and horses exhausted, and with terrible hunger as far as the said village of Teré-cañé, where we provided ourselves from the cattle that we left in order to facilitate the said pursuit, and we went in a straight line to this village, as the said village was abandoned, for we learned that its families had left for La Asumpcion and the abandoned villages of Ipané and Guarambaré, and the forty soldiers of the said village went from Teré-cañé and Iribirá-Pariagá, and on the road went to collect their people, women and children; and those of our army of La Asumpcion kept on marching, and I remained in the rear to continue without delay, as there was no human power to provide us with supplies at so great a distance of eighty leagues from the said city of La Asumpcion; wherefore I am unable to participate in any of those judicial acts, the said Council is preparing in regard to the surrender of firearms to the enemy and the plunder of the said villages and their families; and towards establishing the ground on which the said Don Juan Mongelos Garcés passed to this province, and the strength, men and designs shown by the said enemy, I command that he be examined at the foot of this writ, attaching to the said commission the muster and inspection and the delivery that was made to me of the men of said army, with a letter of the said Don Juan Mongelos Garcés and the edict I published in the said village; and dating the same, to report with authentic copies of all to His Majesty, whom God may guard, and his Courts; and thus I provided and signed before me, with two witnesses, for want of Notary, on this common paper, there being none with the seal.—JUAN DIEZ DE ANDINO. Witnesses—*Juan Mexias, Francisco de Abalos y Mendoza.*

1704 - 1734

**Documents concerning the invasion of the Spanish territory by  
the Portuguese (\*)**

In the City of La Asuncion del Paraguay, on the 20th day of September of the year 1704, the Sarjeant Major, at present of this province, Pedro Caballero Villasanti, feudatory resident and Mayor, who has charge of the political and military Government of it, on account of the absence, in campaigning of the Lieutenant General, approved the preceding decree, and in order to proceed to the investigation desired, Captains Bernardino Isfran and Lieutenant Fernando Rolon, were named interpreters, who accepted and who each one received the oath in the name of God, Our Lord, and a sign of the Cross which both made, according to the form of law, and they promised to faithfully and legally and to their best knowledge fulfil it, after which I called before me an Indian name Joseph who lives with the unfaithful Indians of Payaguas, who, now, of his own and expontaneous will has abandoned them and retired to the Sacred Convent of Saint Francis, as he says he is a Christian, and that he wants to return to the Christian fold, after having been examined as to the doctrines and the importance of the oath, in the Guarani language, in which he is proficient, by the said interpreters and being found incapable, and for that reason no oath being given him, he was asked by the said interpreters, at what age the said unbelievers had captured him, and of what tribe or city he was; who were his owners, their names and if there were priests or Churches where he came from: and he answers that when he was captured he was hardly able to reason, that he is from the city of San Pablo

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of the Kingdom of Portugal. He was asked where they captured him, if within the city itself; he answered that they captured him while going to the gold mines, in this upper part of the river, and that his owners escaped, and all but two companions, also Tupis Indians, the same as the deponent, who were also captured with him. He was asked if he had lived with the Payaguas Indians who inhabit these places near the city of the Sarigues who live up the river and what motives he had for coming now to this Christian settlement; and he answered that he has always lived, since he was captured with the Sarigues Indians, and that for fear of the Indians he did not come before, and now he comes because the said Indians are now defeated and pushed by the Portuguese of San Paulo, and their families have been taken from them, and he has had the opportunity of coming: he was asked if the said Portuguese had come as an army in the said advance, if by river or by land, if the number is large; if the event occurred in this jurisdiction of Paraguay, if near or far from this city. And he answered that they came by the river in a large number of canoes and vessels, with artillery, and that one morning they suddenly made the attack; and that going from this city in a light canoe, the place where the event occurred is reached in nine days; that he does not know whether it is in this jurisdiction or not. He was asked whether he knew or had informed himself if the said Portuguese continue their march to this city or if they intend to come, and he answers that he does not know, but that it will be known soon, because the Payaguas Indians of this territory have put on spies to see if they are coming, that up to the present they are not coming; and that the deponent in the engagement which occur in the attack, escaped, flying with others, and for that reason could not know the future intention of the said Portuguese. He was asked if the gold mines where the Portuguese work are up the river, if they are far or if they are in this land of Paraguay, Crown of the King of Spain. And he answers that going from here, in a light canoe, they are reached in two months, and that he knows nothing else. He was asked if the Payaguas have given the Portuguese cause to come now to pursue and attack them; and he answers that because the said Portuguese who work the mines pass through the territory of the Indians, the latter captured and kill them; and the Portuguese in revenge of these deaths, without doubt, have come against the Indians and that what he has said and declared and explained is the truth. And after this declaration was again read and explained to him by the interpreter, in the Guarani language, he said that it was as he had declared it; and he affirmed and ratified it; he seems by his appearance to be twenty-four years old, and I signed it with the said interpreters and witnesses, and in this paper, because there is no sealed one.—*Caballero Villasanti*.—*Hernandez Rolón*.—*Bernardino Isfran*.—Witnesses: *Juan Mendes*.—*Luis de Vertis*.

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Second interrogatory.—In the City of La Asumpcion on the 21st day of the month of September of the year one thousand seven hundred and thirty-four; I ordered Felipe Soza de Celar, a native of the city of San Paulo of

the Kingdom of Portugal, resident in this city to appear before me; after having been duly sworn in the name of God Our Lord, and a sign of the Cross, according to law, he promised to say the truth of what he knows, and what he be asked; the following was the order of proceeding:

He was asked whether he knew or had any information of arms being collected by Paulist country-men with the object of passing to this province of Paraguay or its district, by land or by river or by the North.

And he answered that he knew for certain that this determination of arming and invading was to be put in practice by order of their King, for the punishment of the unfaithful Payaguás Indians, on account of the insults which those coming from the mines suffer from them; the Indians are to be pursuing through the rivers until their expulsion or retirement and, that since they will be very near to this city, he supposes they will arrive to it. And that he knows nothing else, but that the said arming and invasion is for the punishment of the Payaguás and also for the Indians of the land which they call Guaicurús; because the said Payaguás have repeatedly attacked, treacherously, the said Portuguese and their families, killing and taking away from them the negro slaves and gold which they had mined, as well as arms, jewels and other things; capturing white men and women. He was asked whether he knew or had any information as to any fleet that was coming by the river Paraguay, in the district and jurisdiction of the King of Castile, and he answered yes, that he knows it because it was said so by the Payaguás Indians who have changed their tepees near this city and have moved down the river because the said Portuguese were fighting in large number the Indians who were up the river. He was asked about what is the distance to the gold mines where his countrymen work and how and in what manner did the deponent come to this city, and he answers that as he never arrived to the said mines he cannot say at what distance they are, because coming from his country with a small number of men which followed another large body going ahead, after they entered the upper part of this river, while navigating and going to other rivers which lead to the said mines, they were attacked by the said Payaguás, some killed and the others captured and brought to their tepees, in their canoes, and this took twenty days and nights, and at the end of a month and some days they were brought by the said Payaguás to this city in canoes, in this navigation they were nine days until they arrived here and were ransomed, and that this is the truth of what he knows as he has sworn to. This was read to him and he said it was well written and as he had declared it, and he affirmed it and ratified it; he declares that he is about nineteen years of age, he signed it with me and the witnesses.—*Pedro Caballero de Villasanti.*—*Felipe Soza Celur.*—*Luis de Vertiz.*

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Third interrogatory.—I, immediately order Juan Cuello de Fonseca, resident of this city to appear before me; he took the oath in the name of God Our Lord, and with the sign of the Cross, according to law, and he promised to tell the truth of what he knows and would be asked; and then the proce-



edings were as follows: He was asked from where he was, and he answered that he is a resident of the city of San Paulo, of the Kingdom of Portugal. Being asked by where, when and how he came to this city, he answered that it is six years since he was in the gold mine, where some military expedition was inaugurated and they started for Marañon, and on their return, being very near the said mines they were captured by the unfaithful barbarians Payaguás, in the river called Cuyabá, which is the one of the mines: and they were taken to their tepees, and that it is about six months since they have been in the said tepees, and two months since they are in this city, where they were brought by the said Payaguás. He was asked whether he knew or had any information that in the said city of San Paulo, or in the gold mines, an invasion of armed men was planned, by land or river, and for what purpose and destination. And he answered that he knows, by the news transmitted to the Governor of San Paulo, and by the said Governor to his King, of the death and hostilities caused by said Payaguás Indians, among the workingmen of the gold mines, while the metal was transported and sent away; and that they determined to send bodies of armed men or fleets, to pursue, punish and destroy them. He was asked if he knows or has any information as to whether the invasion will be by river or by land, and the object of the fleet passing the limits of this province of Paraguay; he answered that by the movements of the Payaguas, of the tepees nearest to this city, and by what was said by an Indian called Joseph (whose name was Aromi) in the city of San Paulo, who was captured by the Payaguás and who came to this city in these days, he knows with what object the said armed Portuguese are up this river Paraguay, they have attacked the Payaguás of up the river, and according to the stories told by the said Indian Joseph in the conversation he had with Ignacio Cardozo, a country-man of the deponent, who told it to him, and the conversation which the deponent had with another Payaguá Indian called Guatimini, to-day at eleven o'clock in the morning, corroborating the harm that the said bodies of armed men had done to the said Payaguás; and that the intention which they also had of pursuing the Indians Abarás and Guaicurús and for some to come to this city and province in search of food and provisions, and the prisoners; and that this is the truth of what he knows, which he says, by the oath taken; and being asked at what distance is the city from the gold mines, he answered that from the place where they were attacked by the Payaguás, up the river, in canoes, to arrive to the tepees of the Payaguás, down the river, and from the said tepees to this city, eight days, from which the distance they had navigated, down the river in canoe, from the said place of attack, could be calculated, although there is some distance yet, from it, to arrive to the said mines, and going up the river in a canoe in about sixteen days the said mines are reached on account of the many turns of the Cuyabá river; all this he affirms and ratifies; and that he is about twenty five years old, and he signed it with me and witnesses in the absence of a Notary and in this paper because there is no sealed one.—*Pedro Caballero Villasanti*.—*Juan Coello de Fonseca*.—Witness.—*Miguel Barrios*.

Fourth interrogatory.—In the City of La Asumpcion, on the twenty-third day of the said month and year, I, the said Major, for this information, ordered Antonio Pintos, a resident, to appear before me and after taking the oath in the name of God, Our Lord, and a sign of the Cross, according to law, he promised to tell the truth of what he knows and of what he be asked. He was asked of what place of the Kingdom of Portugal he was a native, and how and in what manner did he passed to this province of Paraguay. And he answered that he was born in the city of Lisbon, capital of the said Kingdom, and that he went for business to the city of San Paulo, where he was incorporated in the number of a party of people who went to the gold mines discovered, which were worked by his countrymen, to go and punish the unfaithful Payaguás Indians and other barbarian nations who invaded the said workingmen; and that while going to the said mines, being already in the river called Cuyabá, which has its source at the mines, and flows to this river Paraguay, they were attacked and captured by the said Payaguás, and twelve canoes of Portuguese taken, some being killed, and others were taken to their tepees; the navigation lasted from six to seven days, from the said place of the attack to the said tepees; here they were kept four months and some days; from there they were brought to this city where they arrived after nine days of navigation. He was asked whether he knew or had any information that on account of these raids of the Payaguás, an invasion was attempted, by land or by the river, to pursue them in that part, and whether he knows if the said pursuit is being carried on already by armed people or by a body of soldiers, on this side of the Paraguay river; and he answered: that he knows of the said army being collected for the said end; and by the Payaguás who had become restless and disturbed by the news which they say they have obtained from their spies who inform that the Portuguese fleet follows and pursues them in this river Paraguay; all which is true as he swears and affirms and ratifies it; and he signed it with me and witnesses in this paper because there is no sealed one.—*Pedro Caballero Villasanti*.—*Antonio Pintos*.—Witnesses: *Miguel de Barrios*.—*Juan Ortis*.

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NOTE.—In the City of La Asumpcion of Paraguay, on the twentieth day of the month of September of one thousand seven hundred and thirty four, I, the present Serjeant Major of this province, Pedro Caballero Villasanti, feudal resident and Mayor of it for His Majesty (whom God save) having charge of the military and political jurisdiction, in the absence, at a great distance of the Lieutenant General and Field Marshall. After considering the official information received, from which it appears that in the district of this province and its principal river of its commerce called the Paraguay, bodies of Paulist Portuguese have entered, who are foreigners to the Royal Crown; and since the said entry, for whatever time, is, according to the orders and decrees of His Majesty (whom God save) given to his Governors, Captains, and Generals of this province not permitted in the Dominions or places belong-

ing to this Royal Crown and it is ordered that they shall be expelled therefrom; and from everything resulting from the above writ, and since it is one of the gravest cases which have at present occurred; I command, that this notice be sent by letter to the Lieutenant General of this province so that with all brevity, your Excellency come to this city, and the most proper measures be taken which will be convenient to the Royal service and for the defense of the province and Royal Flag which its vassals have upheld at their expense; and until your Excellency arrive to this city, and in the absence of the Field Marshal, I send orders to the two coasts and fortified places of these frontiers and principal military officers, advising them of these news, so that they will be vigilant, until a second order if necessary, or for any one to be given by the said Lieutenant General; especially the Castle of San Agustin de Arequitacuá, and its garrison, as it is the first fortified place met by those coming from up the river and where they must arrive if the said Portuguese are continuing the march to this city, the despatch of these orders being entrusted to the Quarter-Master of Cavalry, Juan de Gadea. I thus determined and ordered it, signing with witnesses in the absence of a Notary, in this paper for want of sealed one.—*Pedro Caballero Villasanti.*—*Miguel de Barrios.*—*Juan Ortiz.*

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Received the given orders in the above writs, to despatch them to the fortified places of both coasts, to-day the twenty fourth of September 1734.—*Juan de Gadea.*

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LETTER.—Villeta. Lieutenant General: On account of the great outcry and uneasiness of the Payaguás Indians, and their families, and their rushing down the river, I proceed to draw the verbal process, from which it appears that this is caused by Portuguese Paulists, who in large number and with soldiers are pursuing them, their vessels are already in this river, near this city, and this being a matter of so much importance, I have given provisional orders until the coming of your Excellency; I communicate these news to you so that you will try, as soon as possible, to come to this city and command what be must convenient for the fulfilment of the orders and instructions which His Majesty has given in regard to the Portuguese nation, and which are obeyed in this province. Let God keep you in good health for many years. Asumpcion, September twenty-fourth of the year one thousand seven hundred and thirty-four. I have the honor to be of your Excellency, the most humble servant.—*Pedro Caballero.*—To the Lieutenant General Pedro Dominguez de Obelar.

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Received the said letter, spoken in the previous writ to despatch it to the Lieutenant General in campaign, in the same day, month and year of this note.—*José Duarte.*

LA ASUMPCION, September 24th 1734.

On account of the outcry of the Payaguás Indians of the tepees of the vicinity, in order to become acquainted with the reasons therefore, I proceeded to formal investigation from which it results that their retreat and uneasiness are due to the Portuguese Paulists who pursue them with armed forces by this river Paraguay and that they were already within the boundaries of this jurisdiction; and since they are foreign to the Royal Crown of our King, and natural Lord (whom God save) who, by His Royal Ordinances, command no one to tread or enter the territories and places of Xeres, and since the vassals have attended to this expulsion with faithfulness and loyalty; and as this matter is of the gravest that can occur, I have determined to inform the Lieutenant General, of the case, so that he come at once to this city to determine what be most convenient; in the meanwhile I give notice of the same to the principal military officers of the fortified places of both coasts and frontiers of the province, so that they keep watch so that if in case any accident happen, they obey a second order and go to the place to which they will be sent, as faithful and loyal vassals, with their arms, horses and everything, until new orders of the Lieutenant General, and this order is to pass to each fortified place of the coast down the river, by the hand and direction of the General-Quartermaster of Cavalry Juan de Gadea, till it reaches the fortress of Paso of the river Tebicuari, whose superior officer, there appearing that it has been seen by all, will return it to be placed in the documents relating to this matter.—*Pedro Caballero de Villasanti.*

I.—This fortress of San Gerónimo has seen this order, and all its garrison is ready, as loyal vassals of His Majesty (whom God save), to obey it.—Juan Morales.

II.—This fortress of Rosario has seen this order and all its garrison in this province of loyal Paraguay is ready as vassals of His Majesty, to obey it.—Gregorio Chamorro.

III.—In this new settlement of San Felipe the order was seen and all its garrison is ready, as loyal vassals of His Majesty (whom God save), to obey it.—Ignacio Riquel.

IV.—In this fortress of San Antonio this order has been seen, and all its garrison is ready, as loyal vassals of His Majesty (whom God save), to obey it.—Pascual de Medinas.

V.—In this fortress of Santa Rosa this order has been seen, and its garrison is ready, as loyal vassals of His Majesty (whom God save), to obey it.—Joseph de la Peña.

VI.—In this fortress of Santa Bárbara, this order has been seen, and all its garrison is ready, as loyal vassals of His Majesty (whom God save), to obey it.—Miguel de Barrios.

VII.—In this fortress of San Luis, this order has been seen, and all its garrison is ready, as loyal vassals of His Majesty (whom God save), to obey it.—Pedro Cardoso.

minguez de Obelar, feudal resident, Lieutenant Governor, High Justice and Captain General of the said provinces, for His Majesty (whom God save), acting Governor of it, in the absence of the Governor and Captain General, say : That being in the past days in campaign, in Government business, he received a letter of the present Serjeant-Major of this province, Mayor of this city, Pedro Caballero de Villasanti, on account of the uneasiness and movement of the unfaithful Payaguás Indians with their families of the tepees, who are allowed and supported in the vicinity of the city, and who live in peace with the Spaniards and their families and with this province, by virtue of the said letters granted by His Majesty ; said uneasiness being caused by the invasions which their countrymen have suffered from the Portuguese Paulists, capturing and ill-treating them ; for these reasons I came to this city and the said Villasanti exhibited and delivered to me the reports and other writs, from which it appears that it is a fact that they have been ruined, and have come into the territory, with arms and bodies of men, in vessels, and have attacked the said unfaithful Indians and their families within the jurisdiction of this Government ; and as they are foreigners to the Royal Crown, and of a different Kingdom, provided with arms ; and since it is ordered by His Majesty ( whom God save ) to his Governors and Captain Generals of this province not to allow their entrance in the districts and places of Xeres, nor their stay and residence therein, bodies of armed men have been sent to expell them from those places and other districts of this jurisdiction and Royal dominions, on account of the frauds to which they are accustomed, and because of the invasions and ruin which they caused in the past in the cities, towns and Spanish settlements of this district, all which they destroyed ; and as these despatches are now being sent by the said Governors, in fulfilment of the said Royal ordinances, notwithstanding the invasion of the said unfaithful Payaguás of the tepees of up the river, where they inhabit at a great distance from this city, raiding, destroying, killing and carrying on hostilities against the said Portuguese and their families who come down from the city of San Pablo by land, navigating the different rivers until they arrive to this one, and they ascend it until they reach the gold mines which they have discovered and which they work, as proven by the specimens brought by the said Payaguás Indians, seen in the spoils taken from the captive men and women, white and black, and which they have brought for sale to this city ; for those reasons the Portuguese have resolved—according to what appears from the said reports – to come with the said arms and large bodies of men, to take their revenge and to pursue them ; it also appears, from the declarations of the ransomned prisoners, that these troops may follow their navigation and voyage until they arrive to this capital, being lead to thus believe it, because they are supposed to be encamped up the river, at no great distance from it, and as they are known to be, in fact, within this jurisdiction, with arms, and since this is one of the gravest cases that can occur in this province ; considering all those reports I ordered writs to be drawn on the third instant, in which I duly considered them and declared that measures of prudence and defense should be taken, against these people, foreigners to this Monarchy of

our King and Lord, natives and vassals of other dominions, so that in case they attempt other things or are brought here by other designs against the vassalage, that this province and its natives profess to His Catholic Majesty, and the homage and oath taken to be faithful to and defend him, as they have thus observed since the conquest and pacification to the present time, at their own expense, without ever weakening, which they should continue to do, on this occasion, in the same character and manner, as loyal vassals ; for which reason, besides the especial information which as a provisional measure and order was given, of the case, by the Serjeant-Major and common Mayor, to the officers of war, of the castles and fortresses and to the garrisons of both coasts, let him order a proclamation to be issued, so that the said orders be obeyed generally, and they be advised and ready, with their arms, horses, and resources, which they may be able to procure, so that on my further orders and dispositions, they will repair to the convenient parts and places, without delay, for what may be best for the defense ; despatching copies of the proclamation to the country and valleys and to this district so that they will be of notorious and universal knowledge, and that they will be, therefore, advised and forewarned ; also to command to the Villa Rica del Espíritu Santo and its Captain of war, to complete the number of the guard and garrison which it contributes to the castle of San Agustín de Arequipacuá, the furthest fortified place of up the river, which is on its borders, and the first in which they will establish themselves, be seen or felt, if they come by the river, and to have one hundred men enlisted of the said Villa Rica, for the call and demand which may occur, and also to inform all the other residents thereof, so that they will be ready for the said vigilance, and above all, to the inhabitants and residents of San Isidro Salvador de Curuguatí so that they have great vigilance and care as they are the nearest to the danger on account of the Curuguatí and Jejuy and other rivers which are navigable in its vicinity, and have their mouths in this River Paraguay, and also on land, by sending out their runners and keeping a watch on all sides, and discovering traces and giving prompt information thereof ; they should also put themselves and families in safety so that they will not suffer invasions or other damages, on account of surprises, or by reason of other accidents and contingencies for want of defense ; and to order the Spanish Magistrates of the Indian tribes who are in this district, together with the Chiefs and other subjects, to be with the same vigilance and care until further orders, and to those of Yutí and Caasapá to send their runners by land, who as natives of those grass regions are well acquainted with the territory, so that they might find the enemy, in case they come by land, without the latter becoming aware of it, which are the measures given by me up to the present, it being ordered, in the same writ, that for other things a meeting be called, for a consultation of war, of the Illustrious Council, Justice and Board of Aldermen of this city and of all the other persons of rank and experience in war of this province ; for this defense and Council I have ordered a list and minutes for the citations to be issued, designating, therein, Saturday the ninth instant for them to meet in the public square and in the porches of the guards,

where the act of the said consultation is to take place ; and according to this I ordered that, in the said consultation, this writ be read and published, as well as all the other measures taken already, and all other necessary to be put in practice promptly for what may occur, especially if the said Portuguese arrive or are coming to the said castle of San Agustin de Arequitacuá, the first fortified place and port where they must of necessity arrive or be felt.

II.—Also, before their approaching any nearer to the territory of the said castle of Arequitacuá, what measures should be taken by land or by rivers, or both ways, getting ahead of them, so as to discover them and order them to restrain themselves and not to go ahead in their navigation and voyage from the place where they be on the road to the said castle or coming to this city, or if by land to prevent their entrance.

III.—They also propose to have a body of soldiers of their fleet, totally or part of them, stop in this capital or arrive to the said castle or establish themselves in their vicinity ; and whether in case they intend to pass to this capital, their propositions are to be admitted, or if they can only be allowed to encamp in some distant place, to the said castle, for a short time, from where, by means of representatives, or messengers of persons of the greatest respect, whatever matters occurring between one party and the other, are to be treated and discussed, peacefully and politely, and, according to the propositions, to draw the proper documents, above all if they arrive and make their insinuations in good terms, as it could be done.

IV.—Also, if they come and propose that it is their intention to follow the pursuit and punishment of the unfaithful Payaguás Indians, in revenge of the invasions which they have suffered from them ; and because many of those of up the river have sought refuge in our district, who have been their assailants, and have mixed with those of the tepees which are in this vicinity, communicating and dealing with the residents and families of this city, and were admitted in times of peace, before the said invasions ; if the said Portuguese are to be allowed to go against them and carry on their offensive war, or if efforts are to be made to stop the ones and the others so as to avoid causes which may lead to greater troubles and inconveniences.

V.—And also, if in case the said Portuguese appear, by land or river, demanding this city to be delivered up to them, in what place could the people of the province meet so as to constitute a body and unite their forces and go promptly to the place in which they would be required with urgency.

VI.—Also, whether it will be convenient to call and assemble immediately all the men-at-arms of the province so that they be together, in this city, or in the place designated, in case some sudden event occur, and if the said Portuguese precipitately harass with arms, using them, and trying to enter the city, what can be done in such a severe case, with the women and families of this city and vicinity for their safety and keeping, as well as to prevent mobs and excitement which may spoil, make difficult and prevent the defense and repair of the said attack, which may be done freely and without any trouble,

VII.—And as this city and province are defenceless, especially on ac-

count of the want of arms, powder and ammunitions, provisions and other things, because the war department has none on hand, nor in the Royal Treasury there are any devoted for these aids and assistances, nor there are arms, ammunitions and other necessary things and on account of the general poverty of the vassals who are fighting, at their own expense, the barbarian nations of unfaithful enemies on the frontier, and also because in the present circumstances there is no time to look for and demand the said necessary things, and because there is hardly strength to sustain the said defensive war, it being necessary and indispensable that the defense of the dominions of His Majesty be continued, as well as the fidelity and loyalty which the said vassals have shown and practised, imitating our ancestors who sacrificed their lives and property in these militias; it is also necessary to discuss and determine the means for maintaining the garrison, bodies of men, and what despatches and documents are to be given, as well as money, in the present circumstances in order that our arms be not left insulted and abandoned, and His Majesty (whom God save) harmed and offended in His Royal dominions by any foreign King or Potentate whatever; and as to this point they will also discuss, treat and resolved what they, in their own judgment, think best for the service of His Majesty and this defence.

VIII.—Also, if the said Portuguese propose that the white and negroes and other persons that were captured and enslaved by the said Payaguás be delivered to them, the said persons having been bought or ransomed in this city for merchandise or money, especially those negroes who were bought for slavery and who are held in bondage, what is to be done in that case.

IX.—Also, besides the usual garrison of soldiers which the castle of San Agustín de Arequitacú has, and the order sent to the military Captain of Villa Rica, requesting him to complete the twenty men of this assistance, if it is convenient to increase and strengthen the said fortified place with more soldiers and to maintain a sufficient number of men at arms there, until the result is seen and the Portuguese have retired from these territories; and what means there are for the support of the said garrison.

Each of them will give their votes and opinions, in writing, as to all and each of the above chapters, freely and frankly within four hours of assembling, or each one separately as they may best think, on account of the urgency and short time which the case permitted, since it cannot be postponed any more; and I signed it with the witnesses in the absence of a Notary, and in this paper, because there is no sealed one.—CRISTOBAL DOMINGUEZ DE OBELAR. Witnesses, *Blas de Noceda, Simón Linares.*

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Resolutions.—In the City of La Asunción of Paraguay, on the ninth day of the month of October of the year one thousand seven hundred and thirty-four about nine o'clock in the morning, in the public square and porches of the house of the Council, there was a meeting of the members of the Illustrious Council, Justices and Board of Aldermen, the Field Master Martín de Barúa, who has been Governor and Captain General of this



Province, the present Field Master General and Serjeant Major of it; the Quarter Master General of the Cavalry; the Treasurer and other Royal Officers of this said city, and other persons of rank who were cited by orders to this meeting of this day; the Lieutenant General Governor, High Justice and Military Captain of this Province presiding the writ of consultation, dated the 6th instant was presented and read entirely as it is, and in order to better become acquainted with the points and cases consulted, each one was repeatedly treated and discussed for a long while, until about eleven o'clock, and they resolved and answered unanimously in the following manner and form: In regard to the first point as to the measures and orders given by His Majesty up to the present, they answered that they are wisely determined, for it is well that the vassals of this Province know of the case and be vigilant, forewarned and ready, for what may occur, in order to prove their vassalage and to uphold the respect and honor and reputation of the Spanish arms, with respect to men of foreign Kingdoms in case they appear in any place of this vicinity.

In regard to the second point, as to the said unfaithful Payaguás Indians who have been offended and insulted and who have their sentinels and look-outs, up the river and who are going and coming since the attack referred to, and who are to inform if the said Portuguese follow their march for this vicinity, and who in case we anticipate on our part any show or movement by the river, where said Portuguese are, we would be suspected of aiding their enemies against them, and on account of this, greater troubles might occur, as at present the two Crowns of Castile and Portugal are in peace and in good friendship and that if they come it is not for evil but, if they approach this vicinity it will be in polite and friendly terms, and they will not arrive in any improper way nor will occasion any offence and if they were in the past, suspicious and committed frauds and injuries, it was because they were bankrupt and were formal enemies, giving rise to the ordinances of His Majesty, but that at present they are making war against their assailants, which is a natural right having just reasons for it, as it is notorious, and that this war was of great benefit and utility to this province and its inhabitants, inasmuch as the said unfaithful Payaguás, pirates of this river, are most bitter, treacherous and obstinate enemies since the conquest and pacification of this province; and that it might happen that they will also obtain the destruction or repress the unfaithful Indians of the Miaras, nation of cavalry, who have been the most powerful who have harassed this province with their raids, and as to which there is the presumption that they are on this side of the said river established on our part and this is so believed on account of the facility with which they have come and made their invasions and attacks during the past year, all which they continue to do to the present, at all periods of the year, in large number, mounted in robust horses; and for other political reasons it is deemed convenient that, at present, no measures of show or movement on our part be made by the river, although by land, in the form of the usual raids, and after the traces of the said unfaithful Indians until the furthest that can be reached, may be followed, and some bodies of men can be sent by

the said river to wait for any ambassadors or representatives, of the said Portuguese who might come, as it is thought they will precisely do, when they recognize that they are so near, and by the said Payaguás sentinels the way by which they come and their march may be discovered.

As to the third point, that in the castle of San Agustin de Arequitacuá, or at any convenient place of its vicinity, by the river, the communications of their envoys may be admitted and the reason and cause of their entrance in these territories and Royal jurisdiction of His Majesty (whom God save) be discussed; and in the present case to do what be most convenient for the Royal service by prudent, friendly and moderate terms, insisting on the principal point that as foreigners to the Royal Crown, they are to be required to leave the territory of this jurisdiction since there are ordinances of our King and natural Lord which do not permit them to remain. As to the fourth point that in regard to what the Royal laws say in favor and defence of the Indians and as to the special Royal letter which treats of the Indians, and to the special one which treats of the Payaguás Indians in which it is provided that whenever they come peacefully, they shall be admitted, notwithstanding that they are enemies as declared, taking precautions as such, and that for this reason some tepees and families, upon the Royal word, should be admitted to the shelter and defence of their province, and that it will not be in any manner pleasant to the King, or Christianity, to abandon and deliver them to have their throats cut, but only those who are known to have been assailants in the said invasions, deserve the punishment which His Majesty orders in his severest laws and letters, and as this identification is very difficult and many innocent ones would be endangered who have not done, nor their families, anything against justice, it is proper that if this point be discussed, the said Portuguese are to be informed of the said ordinances of His Majesty, in their favor and protection, especially in what refers to those who live peacefully, persuading the said Portuguese not to offend them, that this province will apply to them the best remedy retiring or taking them away from all occasions of offence.

As to the fifth point, that when the time arrives of resolving the case and the necessity be of urgent action, after the precautions taken by His Majesty and the notice given to the province, the meeting may be held in the Campo Grande and its district which is the best site and place from which to go promptly to the aid of any place.

As to the sixth point, that although the general and great poverty of the province is evident and the other accidents and calamities which it suffers and even the want of arms and Indians, and the detention of the vessels in the southern provinces, many of which have gone from here, for commerce, without returning for a long time, and therefore they cannot send for arms and ammunition, exposing themselves to lose the ones remaining; and since all provisions and materials are almost exhausted even for the usual defence from the invasions of the enemies of the frontiers, the unfaithful Indians; and that only the great fidelity, loyalty and obedience to the King our Lord, (whom God save) sustain them without receiving any aid as other provinces, and that if any have been sent, it has been suppressed, and that it is owing to

this that the greater part of the miseries and calamities have occurred ; and nevertheless they are constant and effective defenders, at their own expense, without being able to produce or raise the means for the cost and expenses of the military operations which might arise in this case, and in the present circumstance and in the future, nevertheless, if it be necessary, arbitrary measures may be resorted to obtain some means, and if they are not sufficient, they may recur to the Royal Treasury, for it is for their defence and that of the Royal jurisdiction and the Dominions of His Majesty ; and in such urgent and peremptory cases, there should be nothing reserved.

As to the eighth point, that the white men enslaved can be returned to them, as they are free vassals of that Kingdom, except the slaves who have lost their rights.

As to the ninth point, that when definite information is had from the Payaguás sentinels that the said Portuguese have retired, His Majesty will determine the increase of soldiers in the garrison of the castle of San Agustín de Arequipacuá, and, for this purpose, the due measures to solicit the means, have been determined.

And all agreeing, they give their opinion and answer, unanimously, to the points of the said writ of consultation, respecting the better opinion and decision of the said Lieutenant General as to the best interests of the Royal Service, and we signed it.—*Cristobal Dominguez de Obelar*.—*Martin de Barúa*, etc.—(Sixteen signatures follow.)

In this place of Capiatá and chapel of Candelaria, Jurisdiction of the city of La Asunción of Paraguay, on the sixteenth day of the month of October, one thousand seven hundred and thirty-four, the Castilian Serjeant Major and other persons of rank and experience and practice in the wars of these provinces met, I, the present General Field Master of this province presiding the said act, and all being thus together and assembled, I read the consultation, writ and opinion of the Illustrious Council, Justices and Board of Aldermen and of the other persons of rank who assisted to the said act, and after hearing, and understanding it, they unanimously answered that they agree with it in everything, with the said opinion, because it was wisely resolved and because it was for the defense of the Royal Dominions of His Majesty and of this Province, and they signed it with me.—*Bernardo Fernandez de Mora*.—*Miguel Masi*.—(Fourteen signatures follow.)

1750

**LETTER**

**From the Governor Don José de Andonaegui, dated November 19th, 1750, accompanying a report of the Misiones of Indians, held by the Jesuits in the Bishoprics of Paraguay and of Buenos Ayres. (\*)**

SIR:—In compliance with the command of Your Majesty, by Royal Order of the nineteenth of June, seven hundred and forty-seven, in regard to Law 1st, Title 14th, Book 1st of the Recopilated Laws of these Kingdoms; as soon as I received the said despatch, I wrote a letter to Father Manuel Querini, the present provincial of the Order of Jesuits in these provinces, about the part that concerns him in this exact report, in the form prescribed by the Royal Order and, in compliance therewith, he addressed to me the documents, copies of which I submit to the Royal notice of Your Majesty.—Sir.—*José de Andonaegui*.—On the margin of the document there is a decree reading, « Council of September the sixteenth, seventeen hundred and fifty-three. Seen. »

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**Documents enclosed.**

*Copy.*—To the Governor and Captain-General: To yours of the eleventh ultimo, which I duly appreciate, not only because it comes from you, but for

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(\*). This is a translation from the original document existing in the General Archives of Indies, which, in a copy duly legalized by the Consul of the United States of America at Seville, forms part of group B, No. 5, of the manuscript documents of the « Argentine Evidence. »

the good feeling and disposition therein contained. I reply with the enclosed exact report which you desire, to send it to His Majesty on the return of the ship, now in your port, about to sail for Spain; and for that reason, and because the greater part of the doctrines, missions, and conversions which in these provinces are in charge of the company, belong, politically, to that Government, though ecclesiastically many of them belong to that of Paraguay. I send you a statement of all, even those which belong to other Governments, political and ecclesiastical; I shall be happy to have served you to your satisfaction. God grant that you may live as many years as I desire. Córdoba August the fifteenth one thousand seven hundred and fifty — Your most affectionate servant, *Manuel Querini*—To the Governor and Captain General Don José de Andonaegui.—This is a copy which corresponds with its original.

**Misiones of Indians at present in the province of Paraguay held by the Jesuits in the Bishopric of Paraguay.**

1st. Mision.—Called *San Ignacio-Guazú*; is situated on its native soil, fifty leagues beyond the city of La Asumpcion, capital of the Government of Paraguay: in latitude  $26^{\circ} 52'$ , longitude  $321^{\circ} 2'$ ; it has 485 families, about 2451 souls, and was founded in 1610.

2nd.—*Nuestra Señora de Loreto*, was founded in the province of Guairá, in the year 1610, and because this province was deserted on account of the invasion of the Mamelukes and Portuguese of Brazil, it was removed in 1632 to the place upon which it now stands, on the eastern border of the large river Paraná (which is the same River Plate) in latitude  $27^{\circ} 17'$ , and longitude  $322^{\circ} 40'$ , with 798 families composed of 3276 souls.

3rd.—*San Ignacio-Mini*, founded in 1610, in the same province of Guairá, and removed for the same cause in 1632, to the place where it now stands, on the same eastern border of the Paraná river, two leagues north of Loreto, with 571 families, composed of 2520 souls, in latitude  $27^{\circ} 12'$ , and  $322^{\circ} 40'$  longitude.

4th.—*Itapúa*, or *Nuestra Señora de la Encarnacion*, on its native site, on the western of bank the great river Paraná, in  $27^{\circ} 17'$  latitude, and  $322^{\circ} 12'$  longitude, with 814 families, or 3354 souls; it was founded in the year 1615.

5th.—*Corpus Christi*, It was founded on the western border of the Paraná, upon another river called Yaña, in the year 1622, from where it was removed to the eastern border of the Paraná river upon the brook Muney in the year 1647, and on account of its sickly condition, it was removed at some distance, on the twelfth of May 1701, and there it stands with 876 families, making 3976 souls; in latitude  $27^{\circ} 7'$ , and longitude  $322^{\circ} 46'$ .

6th.—*Candelaria*, founded in the year 1627, on the eastern side of Uruguay, from where it was removed in 1637 on account of the invasion of the Mamelukes of Brazil, to the eastern border of the Paraná river, where it is now situated, in latitude  $27^{\circ} 26'$ , and  $322^{\circ}$  longitude, with 529 families, or 2031 souls.

7th.—*Santa Ana*, founded in the year 1633, on the mountain of Tape, province of Uruguay, from where, flying from the Brazilian invasions above,

named, they emigrated to the eastern shores of the Paraná river in the year 1638, and there they still exist with 1094 families, or 1778 souls, in latitude  $27^{\circ} 21'$ , and longitude  $322^{\circ} 35'$ .

8th.—*San Cosme and San Damian*, founded on the twenty-fifth of January, 1634, on the mountain Tape. It was removed to the province of Paraná on account of other invasions, in the year 1638; it was united to the town of La Candelaria, and separated from it in the year 1718, and was placed at one league further north, on the eastern border of the Paraná river, from where it was removed in 1740 to the western side of the same river, near river Aguapey, where it now stands, with 407 families, composed of 1449 souls, in latitude  $27^{\circ} 6'$ , and  $321^{\circ} 25'$  longitude.

9th.—*Nuestra Señora de Fe*, founded in the year 1651, in the province of Los Itatines, 200 leagues north of the capital of Paraguay, from where the invasion of the Mamelukes forced them in 1669 to emigrate to the place which they now occupy, about 50 leagues south of the said capital, and 12 leagues from the river Tebicuarí, in latitude  $26^{\circ} 47'$ , and longitude  $321^{\circ}$  and  $6'$ , with 959 families, making 4296 souls.

10th.—*Santiago el Mayor*, founded in the same province of the Itatines in the year 1657, from where, for the same cause it was removed in 1669 to the place where it now exists, 10 leagues from the above, in latitude  $27^{\circ} 10'$ , and longitude  $321^{\circ} 12'$ , with 835 families composed of 3968 souls.

11th.—*Santa Rosa de Santa Maria*, founded where it now stands, 3 leagues from Nuestra Señora de Fé, in latitude  $26^{\circ} 50'$ , and  $321^{\circ} 14'$  longitude, with 537 families, making 2524 souls. It was founded in the year 1698.

12th.—*Jesús*, founded in the year 1685, on the river Monday, which flows into the river Paraná, through which came the infidels converted, and were afterwards removed where they now stand in latitude  $27^{\circ} 2'$ , and longitude  $322^{\circ} 27'$ , with 455 families, composed of 1819 souls.

13th.—*La Santísima Trinidad*, founded in the year 1706, in the district of the river Uruguay, and on account of the bad condition of the land where it was located, it was necessary to remove it in 1712 where it now exists, 5 leagues from the town Jesús, to the south, and 3 from Paraná, to the west, with 608 families, or 2629 souls, in latitude  $27^{\circ} 9'$ , and longitude  $322^{\circ} 29'$ .

14th.—*San Joaquín*, is a new mission started in the year 1746 among the Tobatines, at a distance of about 100 leagues from the said Misiones of the site of Taruma, with about 117 families, most of them christians, which makes 669 souls.

The Jesuits missionaries who have in charge the education of the Indians of the said 14 Misiones, acting as persons with canonical collation from the Bishop of Paraguay, to whom they are presented by the government, and their companions, are the following, the first one named in each town being the parson, and the others his companions:

1st.—*San Ignacio-Guazú*: Father Francisco Tharia Rasponi, Father Jaime Mascaró.

2nd.—*Loreto*: Father Estéban Pina, Father Antonio de Navas.

3rd.—*San Ignacio-Mini* : Father Joseph Guerra, Father Francisco Xavier de Uzedo, and Brother Pedro Kormaer, physician.

4th.—*Itapúa* : Father Pedro Sauna, Father Juan Francisco Carrio, and Father Gerónimo Sadarias.

5th.—*Corpus Christi* : Father Phelipe Arias and Father Thobias Petola.

6th.—*Candeluria* : Father Theodoro Balenchana, Father Pablo Danezi, Brother Francisco Leoni, who takes charge and furnishes the prisoners with clothing, and Brother Ruperto Talamer, physician.

7th.—*Santa Ana* : Father Antonio Gutierrez, Father Blas Riechinger, and Father Joseph Gomez.

8th.—*San Cosme* and *San Damian* : Father Andrés Fernandez and Father Juan Gilge.

9th.—*Nuestra Señora de Fè* : Father José Lázaro García, Father Santiago Decis, Father Teliz de Villa García.

10th.—*Santiago el Menor* : Father Miguel de Morales, Father Domingo Terren, and Father Joseph Rivarola.

11th.—*Santa Rosa de Santa Maria* : Father Thomas Arnau, and Father Joseph Unger.

12th.—*Jesús* : Father Juan Antonio Rivera, and Father Juan de Quesada.

13th.—*La Santísima Trinidad* : Father Juan Francisco Valdivieso, and Father Hermenegildo de Aguirre.

14th.—*San Joaquin* : Father Joseph Alas, and Sebastian de Tegros.

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#### **In the Bishopric of Buenos Ayres.**

1st.—*La Concepcion*, founded upon the great river Uruguay and on its western borders, in the year 1619, it stands on native soil in latitude  $27^{\circ} 57'$  and longitude  $322^{\circ} 37'$ , with 521 families, composed of 2337 souls.

2nd.—*Santa Maria la Mayor*, founded in the year 1626, in the river Iguazú, which flows into the great Paraná on the eastern part, but owing to the invasion of the Mamelukes of Brazil it was removed in 1633 to the province of Uruguay, where it now stands, in latitude  $27^{\circ} 52'$ , longitude  $322^{\circ} 52'$ , with 529 families, composed of 2060 souls.

3rd.—*El Yapsuri* or *Nuestra Señora de los Reyes*, founded in the year 1626, in the eastern side of Uruguay, still existing on native ground, in latitude  $29^{\circ} 31'$ , and longitude  $321^{\circ} 2'$ , with 1587 families, or 6400 souls.

4th.—*San Nicolás Bari*, founded in the year 1626, in the eastern side of Uruguay, it has undergone several emigrations owing to the ferocity of the Mamelukes until 1687, when they returned to their primitive land, where they now exist in latitude  $28^{\circ} 13'$ , and longitude  $322^{\circ} 57'$ , with 986 families, or 3913 souls.

5th.—*San Francisco Xavier*, founded in the year 1629, on the brook Sabitery, which flows into the river Uruguay, and exists on its native ground, in latitude  $27^{\circ} 47'$ , and longitude  $323^{\circ} 8'$ , with 518 families, composed of 1496 souls.

6th.—*La Cruz*, founded in the year 1631 in the river Acaragua, which flows into the Uruguay on the western side from whence it emigrated to the river Mboroné, which flows into the same river, where Brazilian invaders forced them to descend from that part of Uruguay to the lowest part thereof, on Cinas Marrenes, where it exists, at 8 leagues from Yapeyú, in latitude  $29^{\circ} 13'$ , and longitude  $321^{\circ} 59'$ , with 612 families, making a total of 2110 souls.

7th.—*San Carlos*, founded in Caapi, province of Uruguay, in the year 1631: it was disbanded owing to the hostilities of the Mamelukes from Brazil, and from its remains and of others which had been broken up before by the said Mamelukes, it was refounded near the fountain of river Aguapey, flowing into the Uruguay, in the year 1639, where they now are in latitude  $27^{\circ} 48'$  and longitude  $322^{\circ} 14'$ , with 408 families, composed of 1628 souls.

8th.—*San Miguel*, founded in the year 1632, in the Hills of Tape, province of Uruguay; it emigrated in 1677 to the locality where it now stands, in the eastern side of Uruguay, with 1353 families, or 6695 souls, in latitude  $28^{\circ} 26'$ , and longitude  $323^{\circ} 28'$ .

9th.—*Santos Apóstoles*, founded on the Ararica, province of Uruguay, in the year 1633, from where they emigrated to the western side of the said river, where they are since 1638, in latitude  $27^{\circ} 55'$ , and longitude  $322^{\circ} 27'$ , with 432 families or 2650 souls.

10th.—*San Joseph*, founded in the year 1633 on Itaguatia, near the mountains of Tape; flying from the Mamelukes and Portuguese from Brazil, it emigrated in 1638 upon the eastern border of Paraná, and thence to the interior in 1660, to the ground it now occupies, 8 leagues from Candelaria, with 435 families, or 1886 souls, in latitude  $27^{\circ} 16'$ , and longitude  $322^{\circ} 21'$ .

11th.—*Santos Mártires del Japon*, founded in the brow of a hill in 1638, and removed to the said hill in 1734, where it now exists, in latitude  $27^{\circ} 46'$ , and longitude  $322^{\circ} 21'$ , with 737 families, composed of 3750 persons.

12th.—*San Thomé*, founded in the year 1632 on the river Tebicuarí, whence, flying from the Brazilians, in March 1639, they came over to Uruguay, on the western border thereof, in longitude  $28^{\circ} 42'$ , with 622 families, or 2793 souls.

13th.—*San Luis Gonzaga*, founded in the year 1667 on the Caapamirí, from where it was removed, a few years later, to the site it now occupies, in latitude  $28^{\circ} 20'$ , and longitude  $323^{\circ} 17'$ , with 812 families, or 3354 souls.

14th.—*San Francisco de Borja*, on the eastern border of the river Uruguay, in the middle of San Thomé, was founded in the year 1690 in latitude  $28^{\circ} 48'$ , and longitude  $322^{\circ} 16'$ , with 650 families, or 3541 souls.

15th.—*San Lorenzo*, founded in the year 1692, on the ground where it now exists, with 486 families composed of 1642 souls, in latitude  $28^{\circ} 22'$  and longitude  $323^{\circ} 33'$ .

16th.—*San Juan Bautista*, founded in 1698 in the place where it now stands, near river Jivy, which flows into the Uruguay, with 803 families, or 2371 souls, in latitude  $28^{\circ} 21'$ ,  $323^{\circ} 46'$  longitude.

17th.—*Angel de la Guarda*, founded on the Iyuminí and the Iyuyguazú



in the year 1707, removed afterwards to the other side of the Iyuyguazú, where it now exists with 1122 families, composed of 1858 souls, in latitude 28° 17', and longitude 323° 58'.

The Jesuits missionaries who are in charge of these 17 Misiones or villages, in the same form in which were specified those of the 14 of the Bishopric of Paraguay, are as follows :

1st.—*La Concepcion* : Father Segismundo Apergt, Father Gregorio Hate, Father Antonio Ligoti.

2d.—*Santa María la mayor* : Father Ramon de Toledo, Father Ventura Suarez.

3d.—*El Yepéyú or Maria Santísima de los Reyes Stella* : Father Manuel Perez, Father Carlos Perez Serna, and Brother Juan Antonio del Pino.

4th.—*San Nicolás de Bari* : Father Carlos Tux, Father Ignacio Rerhain, Brother Joseph Yenig.

5th.—*San Francisco Xavier* : Father Teliz de Urvina and Father Joseph Martin Mantilla.

6th.—*La Cruz* : Father Juan Delgado and Father Conrado Harder.

7th.—*San Carlos* : Father Salvador Quintana and Father Joseph Guinet.

8th.—*San Miguel* : Father Diego Palacios, Father Juan Thomas and Father Pedro de Biedma.

9th.—*Santos Apóstoles* : Father Francisco Bautista Marquedeti, Father Joseph Plehischavez, and Father Francisco de Himor.

10th.—*San Joseph* : Father Manuel de Hinedo, Father Roque Ballester.

11th.—*Santos Mártires del Japon* : Father Jph. Goevaquer, and Father Juan Manuel Gutierrez.

12th.—*San Thomé* : Father Juan Molina, and Father Felipe Terder.

13th.—*San Luis Gonzaga* : Father Inocencio Horber, Father Thadeo Cenes, and Brother Joseph Griman.

14th.—*San Francisco de Borja* : Father Miguel Marimon, and Father Joseph Xavier Martin.

15th.—*San Lorenzo* : Father Francisco Xavier Limo, and Father Juan Jumsell.

16th.—*San Juan Bautista* : Father Luis Chaulet, and Father Francisco Sardahall.

17th.—*Santo Angel de la Guarda* : Father Bartolomé Pisaa, Father Antonio Planes, and Brother Salvador Conde.

These 17 Misiones of the Bishopric of Buenos Ayres, and the other 14 of the Bishopric of Paraguay, are of one nation, Guaraní, and closely governed by a Superior, at present Father Bernardo Husdorfer, whose residence is at the Reduction de la Candelaria, from whence he starts in a general visit once a year ; not counting the visits made by the Provincials in the performance of their duty ; and though, spiritually, the first 14 Misiones belong in the Bishopric of Paraguay, and the latter 17 to the Bishopric of River Plate, or Buenos Ayres, and are under its government, by Royal Decree of His Majesty Don Felipe V., dated in the Escorial, November 6 of 1726.

**The Governor of Buenos Ayres sends copies of letters from the Governor of Paraguay, indicating the advances of the Portuguese towards Gatimí, their ambitious ideas and excesses to penetrate in the dominions of His Majesty. (\*)**

Your Excellency:—The enclosed copies of letters from the Governor of Paraguay, Don Carlos Morphy, will inform your Excellency of the establishments and advances of the Portuguese on the shores of the river Gatimí, upon which subject I have given your Excellency an account in my previous letters, bringing to his notice these abuses and others which demonstrate their desire to establish themselves in the dominions of His Majesty; and I await the orders of your Excellency, to proceed accordingly. God save many years the life of your Excellency. Buenos Ayres, July twenty-fourth.—Your most obedient servant JUAN JOSÉ DE VERTIZ.—To His Excellency Frei Don Julian de Arriaga. (To this document the following copies are annexed.)

Dear Sir:—the enclosed statement about the establishment of the Portuguese on the shores of the River Gatimí, jurisdiction of this province, and the copies of letters which accompanied the said statement, will show you the previous and present state of things in connexion with their clandestine intrusion in the dominions of the King, as well as the steps taken in the matter by this Government.

They are now regularly fortified with stone walls, crowned with twenty-four pieces of artillery. Its garrison is composed of fifteen hundred armed

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(\*) This is a translation of the original document existing in the General Archives of Indies which, in a copy duly legalized by the United States Consul at Seville, forms part of group B, No. 6 of the manuscript documents of the « Argentine Evidence. »

men, and five hundred settlers. The colony, which they christened with the name of San Francisco de Paula, is one hundred and twenty leagues distant from this capital, and thirty leagues from the town of Curuguatí.

The greatest obstacle to be met with to drive them back is, in addition to the roughness of the ground, their union and coalition with the residents of Curuguatí, so that any movement on our part is quickly known by the Portuguese who will prepare themselves advantageously for the defense, by the facility of uniting their troops to those of San Pablo by the Paraná, on the borders of which they have three populous cities and several other establishments.

If the Court does not put a remedy to check their ambitious projects, they will take possession of all the grounds of the boundary line which was marked out in consequence of the last treaty on boundaries, which has been cancelled; and finally they will try to be the sole owners of the trade by illegal treaties, as is their custom. And the worse of it is, that this province and that of the Guaranis remain exposed to their total ruin and devastation at the simplest misunderstanding between the two Crowns.

There are no forces to resist them in these regions, as it is impossible, with the Indians of Chaco, who use no other arms but lances and arrows, to face drilled men who have the practice of fire-arms. It is true that the Paulists are nothing but mere braggards, nevertheless, in the last century they entered these provinces by fire and sword, and destroyed Ciudad Real del Guaira and carried away twenty-thousand Indians and made them slaves in Brazil. The recollection of these deeds infused panic into the minds of the greater part of these inhabitants.

This is the present state of things, in consequence of which you may command me, with the assurance of my prompt obedience.—La Asumpcion, February twenty-fourth, one thousand seven hundred and seventy-one.—Your obedient servant, CARLOS MORPHY.—To His Excellency, Señor Don Juan José de Vertiz. (This is a copy of the original, on file with the Secretary of the Captaincy General of this province of Buenos Ayres, July twenty-four, one thousand seven hundred and seventy-one.)—*Jph de Albizu-ri*. His mark.

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**Report of the events and the present situation of the Colony founded by the Portuguese Paulists in the year 1767, on the borders of the River Gatimi, sent by the Governor of Paraguay to the Governor of Buenos Ayres.**

In consequence of the insurrection occurred in the year one thousand seven hundred and sixty-six, in the city of Curuguatí, all its residents being complicated in the terrible crime of drowning in the River Gatimi the Lieutenant Governor and two Aldermen of the said city, they sent their agents to the city of San Pablo, in Brazil, with credentials for the Captain General, imploring his patronage and protection, and were well received. They were followed by five hundred armed Paulists who came down to take possession

of the borders of the river aforesaid, and landed on the first day of August, one thousand seven hundred and sixty-seven, and founded their colony under the protection of the Curuguateños.

About the month of June of the year above-named, I paid a visit to the city, in compliance with orders received from His Majesty. During my stay there, the news of the coming of the Paulists did not transpire, but its residents knew of their approach, by secret information: they concealed this news from me, and I returned to this city unconscious of the treason.

As soon as the Paulists reached the borders, they sent three hundred men to excavate a pit which they opened in the form of a semi-circle, its extremes pointing to the river, the border of which forms a perpendicular, inaccessible ravine in the front; the depth and width of the pit is about two fathoms, whereupon they fortified themselves with walls, made out of fascines and earth,

Since the time of their landing, to the month of December following, I did not know of their establishment, which was discovered by a letter addressed to me by Lieutenant General Don Francisco de Bucareli, Governor of Buenos Ayres, apprising me of the transgression committed by the Portuguese troops, on the northern part of Rio Grande; inducing me, in view of such a fool-hardy infraction, to take the most appropriate steps in order to call the attention of the Paulists toward these frontiers, while he would harass them in the Rio Grande.

I, therefore, sent the proper orders to my Lieutenant at Curuguatí to start with a detachment on a reconnoitring expedition of those frontiers, and see if there was any movement on the part of the Portuguese. He started at once in the expectation that he would meet them, as he really did, and he sent me a message at once, informing me of the fictitious accidental encounter, for the said Lieutenant, as a resident of the city, knew very well that they had been previously warned.

In view of these facts, I issued circular orders to all the military Chiefs of the province to get ready a sufficient number of men, and start at once to Gatimí and make the crowd of Paulists decamp. While preparations were being made to march, news was received that the colonists were fortified on the borders of the river. In view of this fact, which was confirmed a few days after by declaration which I ordered to be taken from some deserters who came over to this side; I convened a Court Martial of all the military Chiefs and members of this Council, to whom I explained the situation, according to reports and declarations, and they unanimously resolved that it was morally impossible for the province to undertake the expedition, and sustain by itself its whole weight, without the aid of the regular troops, equipment and ammunitions, in view of the unskillfulness and insufficiency of its military men to engage themselves in such attacks.

I immediately informed the King, the Viceroy, and the Governor of Buenos Ayres, accompanying the documents in justification of all that this Government had done in this matter. I also sent to the Court the originals of the controversy between this and the Governor of San Pablo, about the

respective boundaries of both Crowns: The last two letters, copies of which are enclosed, which we addressed to each other, embrace an epitome of what has been discussed on either side, to the present day.

The Minister of the navy and of the Indies, in his letters dated Madrid, January the fourth, one thousand seven hundred and sixty-nine, orders me, in the name of the King, to inform the Viceroy and the Governor of Buenos Ayres of everything that may occur about these matters, and to obey them in all that they may command, calling upon them for the aid that I may need. His Excellency the Viceroy orders me in his letter dated April the twenty-sixth of the said year, to call upon the Governor of Buenos Ayres for all the help I may need, but without telling me, in neither case, what I have to do.

Since the beginning of the establishment of the Portuguese in Gatimi, I sent information to the Governor of Buenos Ayres of everything, placing myself, at the same time, at his command with respectful submission; and he, instead of attending and looking after the affairs which are so important to the Crown, and to the State, poured down upon me his excitable humor in copious superfluities without touching, essentially, a point useful and convenient to the Royal service.

He sent, at my request, twenty quintals of gun powder, as a precaution, but with order to have them deposited in the hands of the Lieutenant of the Royal officers of this treasury, who afterwards received another order from the Judges of the Exchequer not to give me one single ounce of the said gun powder without a new order from the Governor, as is proved by a testimony of the said Judges, in my possession.

In view of the humiliation to which I was reduced by the excess of his distrust, and seeing that my estimation was tarnished and overthrown before the consideration of all my subjects by such deplorable and unheard of means, I decided to conceal my feelings and have recourse to His Excellency the Viceroy, expressing my shame at the chimerical resolutions of Señor de Bucareli and the little fruit that could be expected from the discord which he was spreading, to the injury and disgrace of the civil and military order, in the absence of the mutual tendencies which must exist between the Chiefs and the subjects for the success of our operations. To this last recourse I have had no answer yet.

Things have remained in this state until the present time when the Paulists, taking advantage of our inaction, become stronger every day, to such an extent, that it would be very difficult to-day to drive them away.—La Asuncion de Paraguay, February twenty-fourth, one thousand seven hundred and seventy one.—MURPHY. (This is a copy of the original on file at the office of the Secretary of the Captaincy General, July twenty-fourth, one thousand seven hundred and seventy-one.)—*José Albisuri* (with his mark.)

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Two letters from Luis Antonio de Sousa are herein inserted in the original, the answer to which, by the Governor of Buenos Ayres is as follows :

Dear Sir :—Your two letters received on the thirtieth ultimo, refer to the following general points.

First, that by virtue of the demarcation of the boundary line made on the River Gatimí in the year one thousand seven hundred and fifty-two, the right of the King of Portugal to the borders of the same river was established.

Second, that notwithstanding the cancellation of the treaty of boundaries, its failure is not to be construed as referring to those places and grounds occupied by both Crowns before the treaty, which places and grounds remain in the same form and manner in which they were before the agreement was made, as for instance, the Colonia of Sacramento, and the seven pueblos of Uruguay.

Third, that in consequence of this stability of possession in its previous form and manner, the River Gatimí remained, as the Colonia of Sacramento, attached to the Crown of Portugal, just as it had been before.

Fourth, that to prove that Gatimí belongs to Portugal, you make the statement that it is of public notoriety in that province, as well as in this one, that the Paulists have maintained a free navigation on the said river, trading with the residents of the city of Curuguatí, and that by means of the frequent and continuous navigation there is a great number of Portuguese who gained access into this province through the same river.

Fifth, that by virtue of its free navigation the Paulists remained in its old possession, which they now dispute; and that through the same river they discovered a shorter passage to their mines of Cuyaba.

Sixth, that the landmark that was placed on it by mutual consent of both Crowns, corroborated the old peaceful and modern possession which they now enjoy.

Seventh, last and conclusive: That the reason alleged by you, to enforce the right of the Crown of Portugal to the said river and its northern borders, is the famous encounter between the detachment sent by me in the latter part of one thousand seven hundred and sixty seven, of the militia of Curuguatí, to explore the fields of Gatimí, with the adventurer, alias «Standard bearer,» Juan Martinez Barros, also chief and leader of this modern expedition and possession.

You said that the said leader, in order to justify his conduct before you for the transgression committed in disobeying your commands, sent you a declaration testifying the public confession made in that encounter by the soldiers of Curuguatí, in the presence of the multitude or arrabal of the Paulists, saying: *Long live the King of Portugal; we are upon his lands!* These are the preliminaries that you adduce in your two said letters to plead the right to the river Gatimí in favor of your Crown; to which preliminaries, and to the metaphysics accompanying the language with which they are adorned, I propose to reply with the firmness they deserve, in order to offer you something that may please your palate. In my letter of the twelfth of July, of last year, one thousand seven hundred and sixty nine, I gave you to understand that with the abolition of the treaty on limits everything remained in its primitive state, without any alteration whatever, in the mutual posses-

sions enjoyed by our Sovereigns, peacefully and quietly, before its celebration ; and with that understanding, the King, my master, being fearful of the future ambitious ideas which are now realized in your midst, that the Court of Portugal might have with regard to the boundary line, which was marked out in consequence of the agreement, he issued an order to tear down the land marks that were placed on the extension of these, his old estates and dominions, so that no vestige nor memory of such an undertaking should remain, as it was done, in fact, and I was one of the officers appointed for its execution in the territories of La Plata, to the entrance of the pueblos of Uruguay.

The same order was communicated to my predecessor in this government for all concerning the district under his command, and he, in consequence, sent it to the city of Curuguatí ordering its residents to remove the land mark that had been placed in Gatimí, and if these unfaithful subjects did not execute his orders, what fault or what reason is there to induce you to legitimate his shores on account of the land marks ?

Knowing the force of this incontrovertible reason, you found no other way to avoid its conclusion but the apparent one of agreeing with its tenor by opposed means, as though you were availing yourself of the same, in order to reargue, with sagacity, that which it means. You say that for these same reasons the seven pueblos of Uruguay and the Colonia of Sacramento remained again in possession of the respective sovereigns, which is a known truth. But as the Colonia and the seven pueblos were the visible objects of the charge, under the treaty ( I do not mention the pueblos of Santa Rosa and San Cristóbal in the other regions ) no landmarks were placed in them, nor any sign indicating a boundary line, they remained in their primitive state after the cancellation of the treaty.

But such was not the case with the boundary line which was marked out in the dominions of the King, my master, through whose very old possessions it was extended, transferring to Portugal, by virtue of the change, all the lands north of the said line. This mark disappeared from memory and under the stones of the surface, and if there has been some vestige thereof upon the shores of the river Gatimí, through unfaithfulness, relaxation or indolence of the inhabitants of Curuguatí, they do not, for such a reason, argue to-day any right in favor of the Crown of Portugal ; but they signify the advance of the boundary line on the well-known territories of Spain, by virtue of the cession made by the latter to Portugal, according to the treaty of barter against the Colonia of Sacramento ; Portugal made gains on all the dominions of Spain, from Punta de Castillos to the region of Orinoco or river Amazonas, and Spain alienated herself from her old dominions to fulfill and improve the treaty on limits between both Crowns, in conformity with its stipulations.

Your present idea imparting such a right upon the Gatimí, owing to the landmark which was then placed upon its source, may expand in your great imagination to the extent of embracing and comprising all the measures of longitude and latitude from the Monte de los Castillos to the mountains of

Santa Tecla, and leaving the grounds of the seven pueblos in its primitive state, to follow your course by the mouth of the Ibicui, waters of the Uruguay, Pequirí, Curitiba or Iguazú, enter by the Paraná into the Igureí which the surveyors mistook for Gatimí, and adjudge by similar presumptive rules, the waters and the borders with all the lands which run from the boundary line towards the north and western parts, thus leaving the demarcation made in its cosmographical extent, in favor of your Crown.

But guarding against the exceptions that would surely be taken to this idea, you tried to make it singular in behalf of the project to keep Gatimí, under pretext that this river ought to be counted among the old possessions of the Crown of Portugal on the ground that the Paulists have preserved the free navigation of the said river, with old, peaceful and modern possession of its borders; which assertion, coming from you, is noteworthy. This assertion, though referring to information received, is notoriously untrue, and engendered within the bosom of machiavellism, and wasped in the web of the unjust craving ambition of your informers, as you will see by the following practical cases.

In the year one thousand seven hundred and fifty two, the Commissioners of both Crowns, Don Manuel Flores and Don Joseph Custodio, left this city, in the direction of Gatimí, by land, to join the Committee which they expected from San Pablo, to undertake the work of demarcation. The said Commissioners, seeing that their following was belated, after having stopped some time on its borders, decided to build up on the mouth of the river a few straw huts, as a sign for those to follow, so that they could be no mistake in their navigation, to which end they had letters left in the said shanties for the government and guidance of the navigators advising them that that was the river Gatimí, and to advance along its course until they found them. The said following after rambling on the river Ambay for a number of days without finding any tidings of the Commissioners, returned to the Paraná by the coast until they made the mouth of the Gatimí where they found the signs already mentioned, and complied with the orders of the Commissioners.

This entry of the Paulists through the river Gatimí in one thousand seven hundred and fifty two, was the first ever made after the discovery and conquest of these Americas: the Portuguese never had the slightest notice of its waters, nor of its names, for if they had had some notion of its course before the treaty, they would have mentioned it in the articles of Division; but, as I said before, they mistook the Gatimí for the Igureí, which is the one designated in the agreement.

The above-mentioned time of the Paulists' entry in Gatimí is thus contemporary of the young age of the treaty, and not of the simulated antediluvian possessions of the Paulists, which you now pretend by virtue of the steady navigations. I hope that you will not find strange the comparison I have just made in similitude of the assertion of the sixth paragraph of your letter of the month of March, availing myself of the most remote antiquity of the world to match it. I suppose that you will not get so easily informed of



the truth that the said Francia and Cardoso are at present in Gatimí.

During that interval, in one thousand seven hundred and fifty seven arrived also the celebrated discoverer of the fields of Xeres, who aided by the treason of the Curuguateños who escorted him into Camapoa, where he is now established upon the solid foundation of farms and cattle, which he gathered up from the dispersion resulting from the defeat of the Spaniards who abandoned those grounds of the primitive conquest.

All the historians and cosmographers of those times who wrote about the conquest of these Americas unanimously agree in the right of Spain to the country of Xeres and territories of the city of Guairá which the Mamelukes Paulists destroyed in their inroads of the last century ; I do not know the antiquity you may now be willing to assign to the possession presently enjoyed by the said Alvarez in his Camapoa, jurisdiction of Xeres : I am sure you will not strive to parallel the same with *those oldest times of navigation*.

The last clandestine entry was that of the « Standard bearer » Barros, in the early part, or in the middle of one thousand seven hundred and sixty seven, who afterwards fortified himself on the western border, whose defense he made with open pit, and walls of fascine and earth, even before this government knew of his coming, on account of his friendships with the Curuguatis.

By the accurate statement I make in the computation of the navigation and entries of the Paulists in Gatimí you will see by the course of time that they all, put together, do not amount to the number Auris : so you are vainly going into anachronisms to prove antiquity of possession on the face of a lapse of fifteen years since the demarcation of the Gatimí down to the establishment of Barros in one thousand seven hundred and sixty seven. Let us now examine his fraudulent intrusion and the mysteries of his expedition, but before starting up discussion on the merits of cases, I will talk with you about the arbitrary retortion you have seen fit to make of the true and liberal meaning of that portion in my letter of July twelfth, in which I refer to the flight of Mauricio de Villalba and his associate scoundrels who retire to San Pablo, wondering over the coming to Gatimí of these traitors homicides in company with Barros, and where they committed the most horrid deed that the world ever knew of, that of drowning their Lieutenant Governor and the Aldermen of the city of Curuguati.

The exposition contained in said portion of my letter was not intended to determine whether or not it was incumbent upon you to pass upon their cases and crimes, or whether you ought to help them or not ; for it would be the height of presumption on my part to raise such a stupid question, since it is not unknown to me that all nations use to harbour refugees, no matter how criminal ; but to point out to you the malignity implied in their coming with Barros under pretext of farming. Please to go, once more, over the context of the said little paragraph, and you will find that your method of rearguing me is simply ideal and reversing, and very much at variance with the rules of civil contention about facts.

The entry of Barros in Gatimí is by all means blamable, and for having trespassed upon the boundaries and violated the laws of the peace and harmony existing between our Most August Sovereigns, sneaking, with armed people, into the dominions of my King, without any other form of procedure or ceremony, but those he had preconceived for his expedition. The false and shameful pretext which he alleges, to palliate his daring undertaking, pleading that he entered compelled by necessity, in order to aid his people with the product of his farming, is sustained by your sincere consideration, accepting such fiction, as if there were no other grounds for such labor on the vast fields and districts, from San Pablo to Gatimí.

This enterprise was planned under your protection, consequent upon the wicked promises and treacherous entreaties of Mauricio who got engulfed from abyss into abyss and fell flat upon the mire of treason, but your Government being pleased with the detestable project, sent up Barros and his soldiery to keep the ends of the expedition, and not to explore the wilderness of the Ubay, as you say in your discursive defense of the transgression of the said leader.

When Mauricio took refuge in San Pablo, he brought credential letters from his associates in the uprising, giving your Government the assurance of free access to Gatimí and a peaceful possession of the same, and that in case of need they would surrender themselves to the Crown of Portugal.

This deed, so damnable and reproachable among civilized nations, was welcomed and endorsed by your Government, which ignoring the respectfulness and consideration due the Spanish Monarchy, broke the sacred ties of peace and harmony now existing, and favored, under the frivolous pretenses of farming, the rebels of this nation, to secure safe possession of the river Gatimí.

The criminal fugitives of all nations are mutually admitted, for the safety of their lives, but not to be made use of (particularly in time of peace) as tools against their own Prince and country; as you have done upon this occasion, helping and favoring these offenders of leze Majesty, to invade his country soil, and seize the spoils resulting from their continuous treason.

This maxim, which is condemned in times of peace, among all Christian princes, is only learnt in the plans of Machiavellism, or in the mosques of the Turkish consistory where the *Muftis* inculcate to the renegades of our religion the foolish resolution of revolting against their origin, whenever there is a favorable occasion to annoy Christianity. If you had harbored Mauricio and his followers in your own Government, without acquiescing in his diabolical ideas, you would have to day the reknown of pious, and the laurel of having discountenanced foolish undertakings; but having been dragged by them into the abyss of their conspiracies, I do not really know what epithet or attribute would be most becoming to you; and therefore, leave it to your conscience and to the reflective consideration of your Monarch, to decide.

I believe, without effort, that your candor was imposed upon by the illusive insinuations of the aforesaid Mauricio; but this is not sufficient to redress the damages and injuries resulting from such ductility against the peace

and quiet of this Province. Your protests, justifying Barros' conduct, about his occasional entry in Gatimí, are implicative and weak, as they lack the connection and solidity which renders appreciative the productions of the mind, all the more so in matters of so much weight and seriousness as the present one. The fact of your having granted (as you say) to this Barros permission to run over the wilderness of the Ubay, with prohibition to get near the dominions of Castile; and of his having disregarded this clause of your leave, with no other excuse but the one alleged of his pretended necessity; and your approval, in spite of such disregard of his conduct, lead to the conclusion that you were afflicted with alienation of mind, to founder in so much contradiction. You say that you would have had him retire if you had not touched upon the question of limits, by virtue of the cancellation of the treaty.

The question which I touched upon, was that of asking you to peremptorily command Barros to decamp from those places and return to his centre, and when in answer to my intimation to leave the grounds, he said that he was in Portuguese lands, I proposed to you in my letter the solid indestructible argument of the cancellation of the treaty, it seming to me more convenient to look to that source in search of the pacifying remedy, rather than contend with a subject dependent upon your Government, since no other reply could be obtained but that he was on his grounds, a kind of watch-word that he probably learnt at San Pablo, dictated by the Council which was held there to aid and protect the rebels of Curuguatí against the Crown of Spain, taking advantage of these disorders to take possession of the river and its borders.

If I had not minded that establishment you would say that it had my approbation, and that of all this province, while now because I have remonstrated in due time and in the most polite manner, in accord with the existng peace and harmony between both nations, you boast of not having ordered the withdrawal just because I had raise this question ! What would you have done if I had kept silent ? Your ways of controverting, in your justification, are rather complicated, though very comprehensible within the scope of chicanery.

Among the many incongruities which you produce as evidence in favor of the peaceful and modern possession of Gatimí, the greatest and most lamentable that will strike the mind of our most August Sovereign will be the one in which you refer to the encounter between the Curuguatis soldiers sent by me to explore those deserts, and Barros and his Arrabal. You assert that in this encounter the Curuguatís cried: Long live the King of Portugal for we are on his lands, and that you, in proof of this clamorous declaration, yon hold an act sent to you by Barros, testifying the foregoing spontaneous confession of the said Curuguatís.

And by the way, when I was reading this most singular passage I recalled that sacred one in the History of the Hebrew Kings, when Sadoc and Nathan anointed Solomon as King, at Gibon *et ascendente . . . dixerunt, viva Rex in eternum* ; though I well knew that when you communicated to me

this celebrated passage, you did not mean to attribute to the Curuguatis the gift of the two above named anointers ; but to distinguish them as witnesses against the right of their own Soverieng, to the benefit of the Crown of Portugal.

The exposition of this fact alone, is the most conclusive proof that you can give the world of the evils planned for the success of the expedition ; it is the transparency through which appears the disordinated conduct of the Paulists in favoring, protecting and aiding those rebellious vassals of my King and Master, thus causing ruination in this province, and wholesale uneasiness in the town of Curuguatí.

In view of all this, I ask : Where does that harmony exist which you preach so much in your location, and which you strive to preserved among us as a pearl most precious ? Where is, I repeat, that punctuality, that good faith and sincerity which you promise in your letter to keep, in just reciprocity, toward this province ? Your silence and the order for Barros to retreat with the traitors whom he aided are the best replies with which you will win much glory in the appreciation of your King, in whose Royal mind there is no room for treachery, fraud or usurpation to govern with justice, equity and probity.

I therefore, and to finish our questions on this subject, request you in the name of the King, my master, and of yours, by virtue of the close ties of friendship and relationship with which they are bound, that you will forthwith send order to Barros to retire, with his arrabal of Paulists, from the shores of the Gatimí, leaving this province in peace and quiet, in the same form and manner in which it was before and after the cancellation of the treaty on limits; this resolution being the most in sympathy with the preservation of good harmony, peace and concord which we ought to appreciate and promote. The object of all this is to convince you of your erroneous opinions, and not to offend your person which I sincerely revere. Assumpcion, September 18th 1770. This is a copy of the original on file in the office of the Secretary of this Captaincy General. Buenos Ayres, July 24th 1771.— JOSEPH DE ALBIZURI, (with his mark.)



1784-1795

**Differences with the Portuguese since the peace of 1763 to  
the declaration of war in 1777 : abstracts made from  
the Memoirs of the Viceroy of the River Plate (\*)**

Though the treaty of peace concluded at Paris in January tenth in the year seventeen hundred and sixty-three fully specified the respective dominions and possessions of Spaniards and Portuguese in America, the latter tried to delay the receipt of the Colonia del Sacramento, in order to promote, as they did, new pretensions which, though unfounded, there was a desire to settle amicably between the Courts of Madrid and Lisbon.

Therefore, and on the strength of the peace which was ratified by the Portuguese Commanders of the Viamont and San Cayetano, the Commander of our troops on the frontiers of Rio Grande de San Pedro, Lieutenant Colonel Don José Molina, who acknowledged them on account of the gathering of troops they were making at several places and mountains of Tape belonging to the Spanish dominion, bordering the river San Gonzalo, assuring him there was no foundation for his suspicion and that he would fulfil the orders they have from their sovereign to maintain good harmony without committing any vexation on no pretext whatever; but it did not take long to see that both proceeded in bad faith, for the protest on the Portuguese side having been made on May 24th, 1767, on the following day May 28th they attacked the advanced guard in the northern border of the said Rio San Pedro, and took possession of it by the force of arms.

This scandalous deed, unheard of among civilized nations, gave rise to a

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(\*) This is a translation from the original documents existing in the General Archives of Indies, which in copies duly legalized by the United States Consul, at Seville, form part of group B, No. 7, of manuscript documents of the "Argentine Evidence."

remonstration on the part of our Court to that of Portugal, and His Most Faithful Majesty issued the strictest orders that the Viceroy of Brazil should restore things to their former standing on the said 28th of May, ordering at the same time, and as a proof of his indignation, to send to Lisbon, as a prisoner, the Portuguese Commander, to whom the offense was attributed; His Most Faithful Majesty wishing to show, with this and other demonstrations, how much he deplored all that had happened. The orders from our Court were combined with those from Lisbon, and the Governor of this province who was at the time the Lieutenant General Don Francisco Bucareli, was instructed to push on till he would regain possession, without the noise of arms, of the place so wrongfully occupied by the Portuguese who, and particularly the Viceroy of Brazil with apparent excuses, and finally with sophistical reasons refused to evacuate and give up the place.

On the contrary, they kept on, with the utmost recklessness, smuggling, stealing cattle and horses aided by officers and troops, who had orders to use force if they met any opposition; and inducing the Indians from the pueblos of Misiones to desert, as they did in great number, into their settlements where they would enjoy religious liberty.

Don Francisco Bucareli returned to Spain well convinced of the fallacious conduct of the Portuguese, who far from fulfilling their promises, advanced their purposes into fresh hostilities.

Shortly after taking possession of the office I received a special message from the Court with a Royal Warrant of December eighth, one thousand seven hundred and seventy, in which I was instructed to warn at once the people, and guard the southern bank of Rio Grande, because a secret expedition was on foot against the same, commanded by the captain of sea and land, Don Bernardo Ramirez de Esquivel, who, in fact, arrived at Rio de Janeiro with such object in view, but he did not realize it, on information that the said port was well protected by me with sufficient troops.

Right thereafter the Captain General of San Pablo detached a Lieutenant Colonel with four hundred men of regular troops, who joined Captain Don Antonio Silveira Peixoto with a party to excite rebellion in the pueblos of Misiones by means of edicts in the name of the proscripts; but he was taken prisoner with his troops and two subaltern officers in the pueblo of Corpus, from where I had passed them to this city where they were held in close confinement by order of the Audiencia, until the peace was made.

The Portuguese, not content with their continuous excessive thefts of all kinds of cattle, out of which the Most Faithful King, or his Governors, collected one-fifth, tried at the same time to penetrate, setting up settlements on the south side of the rivers Pardo; Tabatunpay and Pepirí, in the neighborhood of which, and near the river Icabacué, and other grounds which, without question, belonged to Spain, they increased their estates with the thefts, and this prompted me to inform the Court that by virtue of the previous orders received, I was making preparations to dispossess them and fortify the post of Santa Tecla, which, if garrisoned with some troops of infantry and

dragoons, could watch the avenues through which the Portuguese carried on their smuggling and thieving.

This plan having been approved, I started my expedition with five hundred men of regular troops. and an equal number of militiamen, four cannons and four canoes. I occupied the post of Santa Tecla, and leaving orders and instructions to fortify the same, I proceeded onward to the river Pepirí where, I was informed, the Portuguese were intrenched, and they abandoned the place without much opposition, notwithstanding their advantageous position. Those of the Tabatinga did the same, they having withdrawn beforehand all the cattle they had in their farms.

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**Demarcation of Limits to establish the boundary line between this dominion of the King our Master and the Crown of Portugal: Present state of these important operations: Taken from the Memoir by the Marquis of Loreto, February 10, 1790.**

In the instructive report which I have mentioned elsewhere, relative to the informations received by my predecessor, your Excellency will find, in reference to the steps taken to draw the boundary line of these frontiers, leaving the foreign dominion well defined, an accurate statement; but I must add here all that is conducive to place in view the present condition of these operations, and to that end I shall dwell not only upon the principles which must have governed the said operations, but on every party, individually, and sufficiently to save your Excellency the examination of some antecedents that are not pertinent, so that your attention may be called to others more important which may present themselves about the matter.

By virtue of the preliminary treaty on limits, October 11th, 1777 His Majesty ordered to go to America the officers whom He was pleased to employ in the demarcation that was about to be made between this Crown and that of Portugal; and upon their arrival they proceeded to devise the divisions that were to be made on this southern side by virtue of the Royal instructions received on June sixth, seventeen hundred and seventy-eight, on file at the office of the secretary of the chamber of this Viceroyship.

The King ordered that three divisions should be made, the first and second of which to be subdivided in two, each one, with a headquarter-master, one surveyor, one geographer and one guide; the third one not to be subdivided; and that Portugal must make an equal number and the same number of individuals. For the first Spanish subdivision the following persons were appointed:

**FIRST DIVISION.**

Headquarter-master, Brigadier José Varela y Ulloa.

Surveyor, Captain Don Bernardo Lecoq.

**ADJUTANTS.**

Secretary of the Treasury, D. José Ortiz.—Pilot, D. Joaquin Gundin.—Chaplain, Manuel de la Mata.—Surgeon, Juan de Molina.—Assistant Sur-



geon, José Santaella.—Phlebotomist, José A. Segovia.—Stone-cutter, Gerónimo Acosta.—Carpenter, Pedro Aloy.—Cart wright, Ramon de los Santos.—Baker, Luis Luigorio.—Blacksmith, José Asené.—Guide, Domingo Miranda.—Another Guide, José Nuñez.

To this was joined a detachment of dragoons and their officers, and the number of laborers for the service of carts, horses and cattle, with their corresponding foremen.

This subdivision left this capital on December twenty-ninth, seventeen hundred and eighty-three towards the guard of brook Chuy, to join the Portuguese division where their demarcation was to begin, and follow up the the hill which divided the water towards the rivers Uruguay on the west and the Yacuy on the east, to the mouth of the river Pepirí.

This party has already accomplished its commission, and received orders to return to this capital; but the points on which the Commissioners of both nations disagree, are still undecided by the respective Courts. The first point is about the demarcation of the river Piratiní, which flows into the lock of lake Merim, because the Portuguese have refused to comply with the treaty; the second point, about the meadows of the Misiones, which must remain in the dominions of Spain, as is stipulated in the treaty; the third point lately raised, is about the mistake made by the demarcators, as by the treaty of seventeen hundred and fifty, in taking another river for the river Pepirí, instead of taking another further east, as explained in the minutes of D. José Varela y Ulloa. The officer is on his way back, having discharged his commissions.

#### SECOND DIVISION.

This division left this city, together with the first one, on the same day; and after having been engaged in various operations, they separated, and it proceeded to its destination, the town of Candelaria or Corpus, the last of the eastern side of the river Paraná; going up in boats to the foot of the fall of the river Iguazú, or Curitiba, three leagues distant from its mouth in the Paraná, and from there to the river San Antonio, which is the second that flows in it by the south; and going up as far as the waters permit, to try to find its source and unite it to the river Pepirí, the mouth of which will have been found by the first division; and upon its return the demarcation shall be made from the mouth of the Iguazú to the foot of the big fall of the river Paraná, according to the Article VIII of the treaty.

But this demarcation must be changed as far as the river Pepirí is concerned, for it was lately found out, as I have stated, that the said river Pepirí may not be the one which the Commissioners took in connection with the demarcation of the treaty of seventeen hundred and fifty, but another river situated further east of the former one, as is demonstrated by the notes of our Commissioner José Varela y Ulloa; a dispute which shall be referred to the respective Courts, for final decision. Buenos Ayres, February 10, 1790.

**Survey of the River Pepirí-Guazú by the Commissioner surveyor D. Diego de Alvear: Taken from the Memoir by the Viceroy Arredondo, 1795.**

The boundary line being made to run to start from the extreme of the Piratini, until the confluence of the Pepirí-guazú with the Uruguay is found on the western side of the latter, as resolved in articles III, IV, VI and VIII, this point was not duly cleared up, until the 13th of April, 1790, when I addressed a note to the commissioner of the second party of demarcation, Captain of the Navy, Don Diego de Alvear requesting him to proceed with all possible speed with the survey of the said Pepirí-guazú. He discharged his commission duly and completely, as by his note of August 3d of the following year, not without many sufferings and the loss of some of his people who fell victims of the heathens and diseases contracted with hard work and the bad climate of these places. This river Pepirí-guazú originated, according to the information received from the said commissioner, in a small lake situated at 26° 43' latitude in open extensive fields, and runs thence from east south east, a distance of 60 leagues, to its entrance in the Uruguay, forming two large beautiful cataracts, and numberless small falls, and takes a large portion of brooks in its northern borders.

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**[Discovery of new river, confluent of the Pepirí-guazú.**

During this important operation, our geographer, Don Andrés de Oyarvide, though he had been left alone, by the inopportune retreat of his Portuguese colleague, under pretext that his instructions forbade him to go beyond the entrance of the Pepirí, happened to discover another river which met with the said Pepirí, and he applied his work to both surveys; but though he only succeeded in surveying it to the extent of two leagues, the result was of no small account, for he established the resemblance of this river to the river San Antonio, in the previous demarcation, and its proximity to the true Pepirí-guazú, from whence the boundary line should start; from which he named the said river San Antonio.

In view of these considerations, I requested the said Commissioner to complete the said survey of the said river, from the eastern part, or the Portuguese border of Curitiba, to the extreme open fields where both rivers originate, it being difficult and dangerous to enter those places elsewhere; and to direct his application to that purpose, even if it were objected to by his competitor; for this very opposition would serve to show to the Courts that nothing have been left undone on our part conducive to the fulfilment of the treaty. The opposition of the Portuguese commissioners was effective, not only because they thought it would be useless to survey a river which, they assured, was not the one spoken of in Article VIII, under the name of San Antonio, which flows into the great Curitiba or Iguazú, but because it did not resemble the Piquirí or Pepirí-guazú; which our commissioner calls *the true one*. But the strong arguments of the latter, which may be seen in his note

of December 12th, 1791 to this Superior Government, show the evidence that the two rivers pointed out by Article VIII, are none others but those above named.

The foregoing paragraphs of the memoirs left by the Viceroy of the River Plate, Don Juan José de Vertiz and the Marquis de Loreto, dated respectively Buenos Ayres, March 12th, 1784 and February 1st, 1790, have been found correct after comparison with the originals on file in this General Archive of Indies, in the Library of the same. Seville, October 28th, 1892.—Chief Recorder, PEDRO TORRES LANZAS.

**Reflections on the reports given by the Governor Quarter-Master, about the foundation of the fort Coimbra and the town of Albuquerque by the Portuguese on the banks of the river Paraguay. (\*)**

Your Excellency: although this Governor Quarter Master gives your Excellency a detailed report of the Fort Coimbra and the town of Albuquerque, which the Portuguese have lately founded on the western coast of the river Paraguay, I deem it my duty to bring to the notice of your Excellency some reflections suggested by my geographical knowledge of these countries, which your Excellency will kindly communicate to His Majesty, so that the Portuguese shall not succeed in breaking the last treaty of peace, inasmuch as it is contrary to the maintainance of their usurpations, and gives us facility to check their progress.

Of course, these settlements detailed to your Excellency by this Governor Quarter Master, have been made unjustly, against the stipulations of the treaties, which in their articles nine and thirteenth leave expressly to His Majesty the perpetual domain of the said western coast and the free navigation through the said river Paraguay, to the mouth of the Jaurú.

With these grave usurpations, the Portuguese are placed in a position to penetrate into Peru, through a passage where His Majesty has no strong vassals who can resist their transgressions, the result of which cannot be but deplorable, and the said settlements being located some thirty leagues from our

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(\*) This is a translation from the original document existing in the Archive of the Royal Academy of History which, in a copy duly legalized by the United States Consul at Madrid, forms part of group B., No. 8 of manuscript documents of the "Argentine Evidence."

Chiquitos, with which they are now in communication, they may within a few years induce our poor unsteady Indians to go over to their mines, which are in need of more hands. The mutiny has probably had no other source but the suggestion and help from Albuquerque where they have taken refuge, and some of our Chiquitos, who are probably the principal delinquents, were well received.

I will not make any mention here of the damages to which our Monarchy is subject on account of these settlements, but will set forth the advantages of which they deprive us. The river Paraguay, which is the best in the world for navigation, is open to us from Spain, and brings us easily to the centre of the Portuguese miners, who knowing these advantages, which they have not, have founded the above named settlements which deprived us of the same, and we cannot oppose their rapid progress in the mines of Matogrosso, Cuyabá and mountains of Paraguay which is the source of the river of that name.

This only consideration is sufficient to try, by all means, to have them abandon the said settlements which by the treaty of peace, are expressly forbidden on our boundaries. I shall therefore explain my ideas based upon geographical knowledge, which show that the King cannot check the progress of the Portuguese in these mines, unless by the efforts of this province. No other Governor conceived this great and useful idea before the Illustrious Don Agustin Fernandez de Pinedo, who, without any means nor help had the hardihood to start them, gathering people and going with them in 1773 to found a fort and a town where Coimbra is now situated. But so persistent and obstinate was the opposition he met on the part of this Council and its deputies, that he was obliged to remain under the traffic, where he founded the city of La Concepcion, which has given prestige to this province, extending its jurisdiction eight times more than it was on the north side.

Following the idea and example of Señor Pinedo, by destroying the said settlements, we could and should settle on the same places, belonging to us by the treaties; which is not so difficult to-day as when it was intended by him, as we have a stopping place in La Concepcion, and the province is much more wealthy and populated. This done, we could lay down in the said places, in forty to sixty days from this capital, all kinds of merchantable goods in schooners and cutters similar to those trading in this River Plate, and sell them to the Portuguese miners, who are not far, sixty to one hundred per centum cheaper than those coming from Santos through San Pablo and the rivers Tieté, Pardo, Taquari and Theané, which have so many falls and rocks that it takes three months to make the passage, and the load and canoes are carried on the shoulders many times, and besides, they can only navigate in winter because there is no water in other seasons, and even then, it cannot be done without escort which shall protect them from the insults of the savages.

This commerce could not introduce anything but gold and diamonds, because the said mines produce nothing else, neither have they manufactures nor products, except those which we can spare. Cattle is worth there

twenty times more than here, the salt which we have in excess is monopolized by them, because Brazil does not produce it; negroes have the same value as in this province, and the European goods we can buy for less price.

It is true that smuggling is prohibited by the treaties; but by tolerating it nothing more would be done than what the Portuguese do in Rio Grande, and wherever the occasion presents itself. But in spite of our honesty and good faith in not admitting this moderate reprisal, the destruction of the said Coimbra and Albuquerque, and other towns further North in secluded places, and the proximity with people and prisons to take the air of the mines, is absolutely indispensable, to watch the Portuguese closely in times of peace, and attack them in those of war.

The Paraguayans, settled where I desire, would answer this purpose in two infallible manners: firstly, to place an armed cutter at the mouth of the river Taquarí, or that of the Chiani, which flows into the Paraguay; with which the trade with San Pablo would be stopped, and the fleet of canoes which are the only vessels the Portuguese could offer for resistance would be seized: the second manner to do away with said miners in times of war, is to attack them openly, with the hope that they are powerless, because their people, composed of slaves and oppressed unsteady men, will draw the sword for our cause and their liberty, and besides, by having one or two schooners at the bar of the Jaurú, those settlers could not help each other. Besides all that has been mentioned, if we establish ourselves in those places we would have free communication with our Chianitas and facility to reduce the industrious and quiet Guanas and the Mbayas, with other advantages which I will not describe, contenting myself with the suggestion of my ideas which your Excellency will kindly communicate to His Majesty.—Asumpcion, October 13th 1790.



**The Vice Roy of Buenos Ayres, Arredondo, advices the Conde de Florida Blanca that he has given the necessary orders for the expulsion of the Portuguese from Itapucú which they have unduly occupied. (\*)**

Your Excellency :— By the enclosed copy Your Excellency will be apprised of the note sent to me by the Governor Quarter Master of Paraguay, in reference to that which he communicated and which the commandant of the city of La Concepcion obtained from the Indians Mbayas that the Portuguese were settling on the Itapucú, seventy leagues distant from the same, accompanying a paper which appears to have been written to a Captain of the same Indians, encouraging him to bring them aid for their support, and giving me all the news which confirm the existing of this new settlement; and it is probable that some friendship may have been established between the Portuguese and the Indians, from which well founded fears are entertained that the former may take possession of all those fields.

Supposing the Itapucú is a place belonging in the domains of the King I have replied to the said Governor Quarter Master in this sense renewing the order of establishing guards or stations to oppose the spreading of the Portuguese into that province. And as it is not probable that they are in a position to make a resistance, I have suggested to him the advisability of trying forthwith to persuade them to retire, by intimations, made in the spot, sending, to that effect, numerous party of men disposed to expell them;

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(\*) This is a translation from the original document existing in the Central Archive of Alcalá de Henares which, in copy duly legalized by the United States Consul at Madrid, forms part of group B, No. 9, of manuscript documents of the "Argentine Evidence."



although, in order not to alter the good understanding prevailing in the court, nor to interfere with the provision contained in article XIX of the preliminary treaty on limits, I have warned him that this demonstration is not to exceed the proportion of an attempt, and that all kinds of violence must be avoided. I have thought myself obliged to this apparent means of force by the necessity of exhausting the means of checking the Portuguese in their ambitious ideas. I, therefore, expect that His Majesty will deign to approve my resolution. Buenos Ayres December 7th. 1791.

**Your Excellency.—Nicolas de Arredondo to His Excellency Count of Florida Blanca.**

Your Excellency :—The Commandant of the city of La Concepcion in his note of August the 30th., says to me, that among the Indians Mbayas, one of the nations of that continent, it is reported that the Portuguese were settling Itapucú, a place seventy leagues distant with a plain road, where the town was erected, and in proof of which the same Mbayas handed him the paper which I beg to enclose. Shortly before receiving this news, appeared before him another Mbayá with breeches and shirt on (which they never wear) assuring him that he had obtained them, from the Portuguese, which was corroborated by the peculiar form of clothing used by this nation. We have the certainty that the Portuguese have tried to form an alliance with the Mbayas, judging by the familiarity with which they are treated in this paper, which we do not know to whom it has been addressed. Should they be successful in forming such an alliance, it will be an easy thing for them to become the owners of those lands, for these Indians are impetuous and warriors; although from informations lately received, they have paid dearly for this new friendship, for according to the Cacique Natalenique, they have had a serious encounter, with dead on both sides. I do not vouch for the truth of it, but from other antecedents the news is probable. I communicate to your Excellency the event in the same manner in which it was said to me by the Commandant with reference to the reports of the Mbayas, so that Your Excellency may decide what it may be best. I have thought to send up a canoe to investigate the truthfulness of the news, but this being incumbent upon the previous commissions, I expect that Your Excellency will inform me of your resolution in the matter. In the meantime, I shall gather all the news which may appear more individual and reliable, Asumpcion, September 19th. 1791. — Your Excellency. — JOAQUIN ALAS.—To His Excellency Viceroy Don Nicolas de Arredondo.

My friend Captain Joaquin : On your return bring many horses and mules, and silver spurs and flour: you will sell them in this place.—Mark—It corresponds with the original which is exhibited in this historical exposition on the installation of the Central General Archive. Madrid, March twelfth of one thousand eight hundred and ninety three.—General Deputy, *Fidel Pita.*

**Note from the Viceroy Arredondo to the Count of Aranda  
complaining of the continued advances and depredations of  
the Portuguese on the South of the Piratiní. (\*)**

Your Excellency:—Although I had made several dispositions, at the beginning of this year, in order to establish before winter the three guards, or stations, in consequence of the Royal decree, dated June eleventh of the preceding year, to avoid the inroad of the Portuguese in this southern part of Piratiní, the slowness in dictating other dispositions equally necessary, the resolution of which ought to have been realized with preference, with intervention of the Royal Treasury, did not permit to take advantage of that favorable season, and it was necessary to wait until the present spring; and having informed the Government of Montevideo of the workmen, horses, carts, wagons, etc., which were necessary for the establishment and support of the said guards, I have given the instructions, a copy of which is enclosed, to the Pilot Don Joseph Gundin, to proceed, by which, your Excellency will take note of the considerations that made me select this individual for that purpose, although I have followed the opinion of the second Engineer Don Bernardo Lecocq in everything relating to this establishment, he having been appointed by His Majesty to realize it. The troop destined to the said guards is the only one expressed in the enclosed statement, the small garrison of

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(\*) This is a translation from the original document existing in the Central Archive of Alcalá de Henares which, in a copy duly legalized by the United States Consul, at Madrid, forms part of group B, No. 10 of manuscript documents of the "Argentine Evidence."

this province not allowing to remove the force, although I know that it would be convenient that it should be more numerous, to check the invasion that the Portuguese might attempt, whose troops are openly occupying the same post or guards, or stealing under the disguise of ranchers, the horses appertaining to the said guards : all of which I communicate to your excellency, promising to notify everything that may occur in the matter, and may be worthy of the notice of your Excellency.—Buenos Ayres, December thirteenth, one thousand seven hundred and ninety-two.—Your Excellency NICOLAS DE ARREDONDO.—To his Excellency Count of Aranda,

1801

**TRUE STATISTICS**

**of the seven eastern pueblos of Misiones of Uruguay, at the  
time they were invaded by Brazilians, some eighty days  
after the ratifications of the Treaty of Peace  
of Badajoz.**

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**This is a translation from the original document  
existing in the General Archives of Indies which, in a copy  
duly legalized by the United States Consul at Seville,  
forms part of group B, No. 11 of manuscript  
documents of the "Argentine Evidence."**

## STATEMENT

the interests and number of Indians of the seven pueblos  
Spanish territory ever since they were

PUEBLOS.	Farms.	Heads of cattle.	Oxen.	Horses.	Mares.	Donkeys.
San Borja . . .	7	12,700	643	541	13,300	198
San Nicolás . .	4	25,150	1,327	5,556	2,736	
San Luis . . . .	3	10,030	903	937	2,840	25
San Lorenzo . .	2	3,000	400	600	1,800	
San Miguel . .	6	73,817	1,000	2,304	5,000	6
San Juan. . . .	1	200	360	500	1,150	
Santo Angel . .	3	200	40	200	50	
Totals . .	26	125,097	4,673	10,638	26,876	220

I. That the said seven pueblos are on the eastern side of river Uruguay comprises an extension of 2,500 square leagues: most of them compose the some leased possessions, to Spaniards, whose number of cattle is not known, administrators and severals Indians in particular. Those expressed in the 9th

II. That the 11 cotton farms are very extensive and their crops pueblos.

III. That the vessel of the pueblo of San Borja we succeeded in saving

IV. That the portuguese having gone so far as Cerro Largo, they many cattle.

V. The preceding statement agrees with its respective originals which Misiones Guaranís, the colonel Don Joaquin de Soria, who sent them in roiship before the proclamation of the war with Portugal, or in May of the that the detailed exposition of the interests of the seven pueblos was taken possession of the same.

VI. The 2,169 free Indians did not possess the adjudications and aid  
Madrid, 31st December 1804

## SHOWING

of Misiones Guaranís held by the Portuguese on our  
invaded in the month of August 1801.

Mules.	Sheep.	Goats.	Hogs	Cotton farms.	Works	Vesse	Amount of stocks in store.	Indians in community	Do free	TOTAL OF SOULS.
80	4,900	19	91	3	1	1	2,400	1,925	503	2,428
72	1,530		80	1			21,482	1,953	466	2,419
56	231		59	1			4,668	1,229	204	1,433
				1	1		1,000	556	142	698
228	682		7	1	1		2,597	1,615	110	1,725
15				2			1,500	552	708	1,260
				2			1,000	775	36	811
451	7,343	19	237	11	3	1	34,647	8,605	2,169	10,774

between the river Ibicuí and the boundary line with Brazil. Their territory above 26 farms where the above named animals pasture. There were also as well as the number of them owned by the lieutenant governor, the column were the property of the communities of the pueblos. constituted one of the most important branches for the communities of the

it, as well as the silver jewels of the churches of the seven pueblos. penetrated into the farms of the residents of Montevideo and carried away

by order of the Marquis de Avilés drew up the governor of the 30 pueblos of January 1801, and when the said Marquis left the government of that Vice same year, I delivered the said statements at the office of the Secretary; so and sent by the said governor seven months before the Portuguese took

decreed by the said Viceroy.

MIGUEL DE LASTARRIA.



1804

**COMMUNICATION**

**from the Count of Campo Alange, Spanish Ambassador at Lisbon, to the Portuguese Minister Araujo de Azevedo, protesting against the advances of the Portuguese in the Misiones, made after the agreements of the Peace of Badajoz, urging on him celebration of a definitive treaty on boundaries. (\*)**

Your Excellency:—When with the treaty of peace of Badajoz the harmony, transitorily altered between the two Courts, was established, His Majesty, the King my master, having been informed that the Portuguese troops had occupied on the continent of South America some lands belonging to the Crown of Spain, ordered his chargé d'affaires to request, as a consequence of the peace happily reestablished, the evacuation of all the lands, grounds and places occupied by the Portuguese troops since the beginning of the war, so that everything should remain in the same state in which they were before the breaking. The said chargé d'affaires of His Majesty proceeded accordingly, in his note of August seventeenth, one thousand eight hundred and two, to His Excellency Don Juan de Almeida.

This Secretary of State of foreign affairs replied, that His Royal Highness the Prince Regent, upon being informed of the conquests achieved by

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(\*) This is a translation from the original document existing in the Central Archives of Alcalá de Henares which, in a copy duly legalized by the United States Consul at Madrid, forms part of group B, No 12 of manuscript documents of the "Argentine Evidence."



his army in those places, issued orders that they should be evacuated and restored to His Catholic Majesty, and had communicated the fact to the Spanish Government, by order of the tenth of the same month of August, sent to the Minister of Portugal at Madrid, so that His Royal Highness had ordered that which His Majesty asked for, even before the Spanish Government had expressed its desire. This matter was supposed to be settled in view of this most positive answer, and the King, my master, being under the same impression his *chargé d'affaires*, only repeated in his note of October the fifteenth of the same year, that His Majesty expected that the orders issued by His Royal Highness would be complied with. The irregular proceedings of several Portuguese Governors in America in harassing the Spanish possessions, improving those that had been unduly acquired, or which should not be held after the peace, and acting in a manner entirely opposed to the sense of justice of His Royal Highness, and to the considerations of friendship and good harmony which closely bind both sovereigns; obliged His Majesty to lay his complaints before the Portuguese Government, and to ask for a remedy, as was exposed by the same *chargé d'affaires* in his note of the nineteenth of the same month of October, and in other various notes upon these or other subjects, all in reference to certain interests and rights upon that continent. But in regard to the evacuation and restitution of that which was occupied by the Portuguese in America since the breaking of the war, the question was decided, and it was only expected that the orders from His Royal Highness would run the long distance which separates both continents to receive the news that the restitution had been accomplished. Instead of such news, His Majesty received the information that the Viceroy of the Janeiro being repeatedly urged by the Viceroy of Buenos Ayres, excused himself for the non-restitution, alleging that he had no orders from his Government, without which nothing could be decided.

However, nearly a year had elapsed since the nineteenth of August, one thousand eight hundred and two, when His Excellency Don Juan de Almeida told the *chargé d'affaires* of His Majesty, that His Royal Highness had issued his orders; and expressing the astonishment that such predetermined refusal of the Government of the Janeiro would cause, I protested, upon my arrival at this Court, against such resistance, and demanded, by order of the King my master, in my note of June twentieth, one thousand eight hundred and three, that authentic copies of the orders that were to have been sent to America should be sent to Madrid, so that they should be presented in America by the Spanish officers, to the Portuguese. The reply given me by His Excellency Don Juan de Almeida, in a note without date was, in substance, that the orders from His Royal Highness would have been complied with, if they had not been withheld owing to the fact that the Spanish Government had not restituted the territory of Jurumeña which it wrongfully held, and that His Royal Highness was disposed to send his orders to America, expecting that His Majesty would, on his part, make the said restitution. Your Excellency sees how nearly a year has elapsed during which time the Portuguese Ministry kept silent upon its intention not to fulfil what it had pro-

mitted in August, one thousand eight hundred and two, while the Spanish Government relied on the sincerity of a solemn promise. In my note of July thirteenth of the following year, I insisted on the issue of the orders, independently of the Jurumeña question, this being a matter of a quite different nature, and in dispute, whereas, that of America was plain, incontrovertible and defined. I still insisted in a note of August twenty-one following, and that authentic copies of the orders should be given, to avoid misunderstandings, and at the same time I entered upon various details to demonstrate that the claims of the Portuguese upon that small part of the territory of Jurumeña was unfounded; but Don Juan de Almeida, who in the meantime had been exonerated of the Ministry of Foreign Affairs, did not respond. I had to make a verbal explanation of all that had occurred, to his Excellency Viscount Balsemás, who succeeded Don Juan de Almeida *pro tempore*, who admitted the equity of my Government's demand, and promised to reply to my last note to his predecessor; but as I did not receive such reply, I reminded the Viscount of it, in my note of September twenty-third following, to which His Excellency replied, that he would answer positively as soon as his health was improved. As the time went by, in this expectation, His Royal Highness assured me that everything was settled, and that he had the orders issued for the restitution of the said grounds, Viscount of Balsemás gave me the same assurance, verbally, adding that His Royal Highness had so ordered, independent of Portugal's claims upon the territory of Jurumeña, about which this Court reserved its right; all of which I communicated to the first Secretary of State of His Majesty. Many days passed between my requests, the alternate indispositions of the Viscount, my expectation and his promises, to send to me, according to my last demand, the duplicate of the orders which were to be sent to America, when we met in Mafra, and His Excellency told me that he had urged on the Minister of the Navy the issue of the orders, and that the Minister replied that he could not do so, because he had a special order from His Royal Highness not to finish this matter until the Jurumeña affair had been disposed of; but that he had insisted again with the Minister of the Navy, giving him to understand that His Royal Majesty had had the said orders sent to America, leaving in suspense the Jurumeña claim; that he had given me the assurance himself, and that it was necessary to fulfil the promise given, and to send him the duplicate of the orders to place them in my hands. Upon this occasion the Viscount went so far as to promise me that I should have the orders in my possession within two or three days; and with this new assurance he replied, to my astonishment, for the delay of an order, so much opposed to what His Royal Highness had promised me. As I did not see the effect of this promise, I had the honor to speak of it with the Prince Regent, informing him that His Royal orders were ignored, and that the word that they should be complied with had been given to His Catholic Majesty. His Royal Highness had the kindness to take note of my remembrance, and he assured me that he would see his Minister that very day, and that his orders would be sent to America at once. As usual, His Royal Highness kept his word, and the Viscount addressed to

me a copy of the Royal order, directing the Secretary of State of the Navy under date, at Mafra, ninth of November, one thousand eight hundred and three, that it was the will of His Royal Highness that a copy of the orders that were to be sent to America should be given me as he had so promised to me, as Your Excellency will see by the enclosed copy No. 1. My expectation failed this time also, and there being no reply, I addressed a note to the Viscount de Balsemás, under date of eighteenth of the said month of November, expressing astonishment at such unusual procedure and so far from the good faith which characterizes the Portuguese Government, as His Excellency will see by the accompanying copy No. 2. In the latter part of November, I repeated to His Royal Highness, in Mafra, my request that his orders should be fulfilled; and His Royal Highness had the kindness again to promise it to me in the most emphatic manner. As none of the promised duplicate copies were forthcoming, I addressed anew my representations to His Royal Highness, who, on the ninth day of the following December, gave me his word that in the course of the next day, the tenth, or the following at the latest, the said duplicate copies would be sent to me. It was not possible to imagine that this promise should have no effect, but such was the case. The Viscount, to whom I continually expressed, verbally, the incredible irregularity of this conduct, and he always would answer that the delay was due to the Department of the Navy, gave me new assurance which rendered my expectation all the more painful. Finally, I appealed again to His Royal Highness later, in December. He said that he reported to his Minister his command to satisfy me, and that I might see him. I did so, and told him that His Royal Highness sent me to receive the authentic copies in question; the Viscount replied that he had received no order whatever from the Prince Regent lately, but he would take them from His Royal Highness and bring them to me with a view to receive that reply in writing. I addressed a very simple note to the Viscount on December twenty-first, informing him of what His Royal Highness had told me, but I received no reply. The long sickness preceding the death of His Excellency Viscount of Balsemás, together with the critical events during the negotiations of this Government with France at that time, held back quite often, out of mere consideration, the activity of my efforts in a matter of this nature, as it was held back afterwards, on similar ground, the appointment *pro tempore* of Minister of State of Foreign Affairs of Count of Villaverde, and the first epoch of your Excellency's advent to the same, together with the desire to see if we could get rid of other business. Desiring, really, not to be tiresome to your Excellency, in which I would have omitted the minuteness of this exposition, if the state of the business, its nature, which has taken a new phase, and the consideration that Your Excellency is extraneous to this claim, had not decided me to enter upon these details, which I have cut short as much as it was possible, and which will spare Your Excellency the examination of the whole document. Your Excellency see, with your known clear sightedness, that His Majesty asked after the peace, in strict justice, the restitution of all that had been occupied in America since the breaking of war, so that every-

thing should remain as it was before ; your Excellency see that it was promised to the Court of Spain, in the month of August, one thousand eight hundred and two, through the Minister of His Royal Highness, at Madrid, and through the chargé d'affaires of the King at Lisbon, that orders were about to be issued and sent to America for the said evacuation and restitution ; your Excellency see, that at the said end of a year His Majesty learned, and not through the Portuguese Government, that such orders had not been sent, and no restitution had taken place ; Your Excellency see that I renewed my efforts, and the Jurumeña claim is resorted to as a pretext ; that said difficulty was removed by His Royal Highness commanding that the orders shall be issued, leaving apart the Jurumeña incident, as His Royal Highness had the kindness to assure me, in one of the many occasions I had the honor to talk to him upon the subject ; and that nothing is done ; your Excellency also see, that amidst a contention between the two Ministers of His Royal Highness, the Viscount urging on the Minister of the Navy to send the orders to America, and to hand me the duplicates thereof, and the latter refusing to do so, I received copy of a note from the Viscount to His Excellency Viscount of Arcadia ordering him, in the name of His Royal Highness, to comply with his command ; and finally, Your Excellency see that His Royal Highness has the goodness to give me his word repeatedly and promise me that his orders shall be fulfilled, and that within a few hours I shall be satisfied ; that his Minister promises the same thing, and that two years having elapsed since the first word was given in writing, things are just as they were at the beginning of the claim. And it must be added, in addition to this, that the Spanish Magistrates at Buenos Ayres, the vassals of the King my master, at Montevideo, all the inhabitants of Spanish America in those countries, are incessantly complaining against it, and recently before His Majesty, against the unbearable damages resulting from the occupation of those grounds by the Portuguese, against the new intrusions made by them under the shadow of the old ones ; against the need of the proprietors, the ruination of trade, disorder and all sorts of inconveniences which is caused by the retention of those grounds—His Royal Highness is just, Your Excellency is learned, and appreciates the importance of maintaining, by all means, the good harmony so pleasant to the hearts of, both sovereigns who are bound by all possible ties ; and therefore, I trust that if Your Excellency notifies His Royal Highness the foregoing statements, and remembers him that his justice and His Royal word is pledged, the strictest orders will be sent immediately to the Portuguese Governors in America for the evacuation and restitution of all the lands, grounds and places which are occupied by the Portuguese since the last war, belonging to the King, my master, so that things shall remain in the same state in which they were before the war ; and that the authentic duplicate of the said orders shall be sent to me, for the purposes already mentioned. This is what I am ordered by His Majesty to demand of His Royal Highness's sincerity. I have the honor to present my respects to Your Excellency.—Lisbon, September fifteenth, one thousand eight hundred and four. Your most obedient servant, COUNT OF CAMPO ALANGE.




1804

**Note of Don Pedro Cevallos, approving the conduct of Count  
of Campo de Alange in the matter of the foregoing com-  
munications, inducing him to ask the Portuguese Gov-  
ernment the appointment of a Minister Plenipo-  
tentiary to celebrate the definitive Treaty of  
Limits in America, (\*)**

Your Excellency :—I have informed the King of the contents of the letter of your Excellency of the 22d ultimo, No. 318, and of the copy of the accompanying note which your Excellency handed to the Minister about the restitution of the grounds and places belonging to His Majesty in South America, which are wrongfully occupied by the Portuguese since the last war ; and said note and its contents having been approved by His Majesty, I take pleasure to communicate it to your Excellency, adding, for your guidance, that His Majesty approves that the demarcation and assignation of the limits of both dominions on that continent shall be proceeded with, without appointing new Commissioners; that for such purpose the Portuguese Government may give its power and instructions to the new Ambassador of Portugal near the King our Master ; also that an article be inserted in the treaty about the help and mutual aid that both Crowns shall lend each other in case of any movement or uprising in America, and that you shall send a note about the celebration of the said treaty, without ceasing to insist upon the restitution so often demanded, of the grounds occupied by the Portuguese on the said continent, and held contrary to the stipulations of the treaty of peace and friendship between Spain and Portugal signed at Badajoz, June 6th, 1801. San Lorenzo, October 4th, 1804.—To the Count of Campo Alange.

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(\*) This is a translation from the original document existing in the Central Archive of Alcalá de Henares which, in a copy duly legalized by the United States Consul, at Madrid, forms part of group B, No. 13 of manuscript documents of the " Argentine Evidence."





1804

**Letter of Count of Campo Alange to Minister Pedro de Cevallos, and memorandum of the reply to the same. (\*)**

LISBON, September 22d, 1804, No. 318, To His Excellency Don Pedro de Cevallos.

The Count of Campo de Alange encloses a copy of the comprehensive letter which he delivered to the Minister regarding the restitution of the lands that the Portuguese have unjustly occupied in America since the last war, and tells about the conference he had with the Minister.

He avails himself of the opportunity to offer, etc., etc.

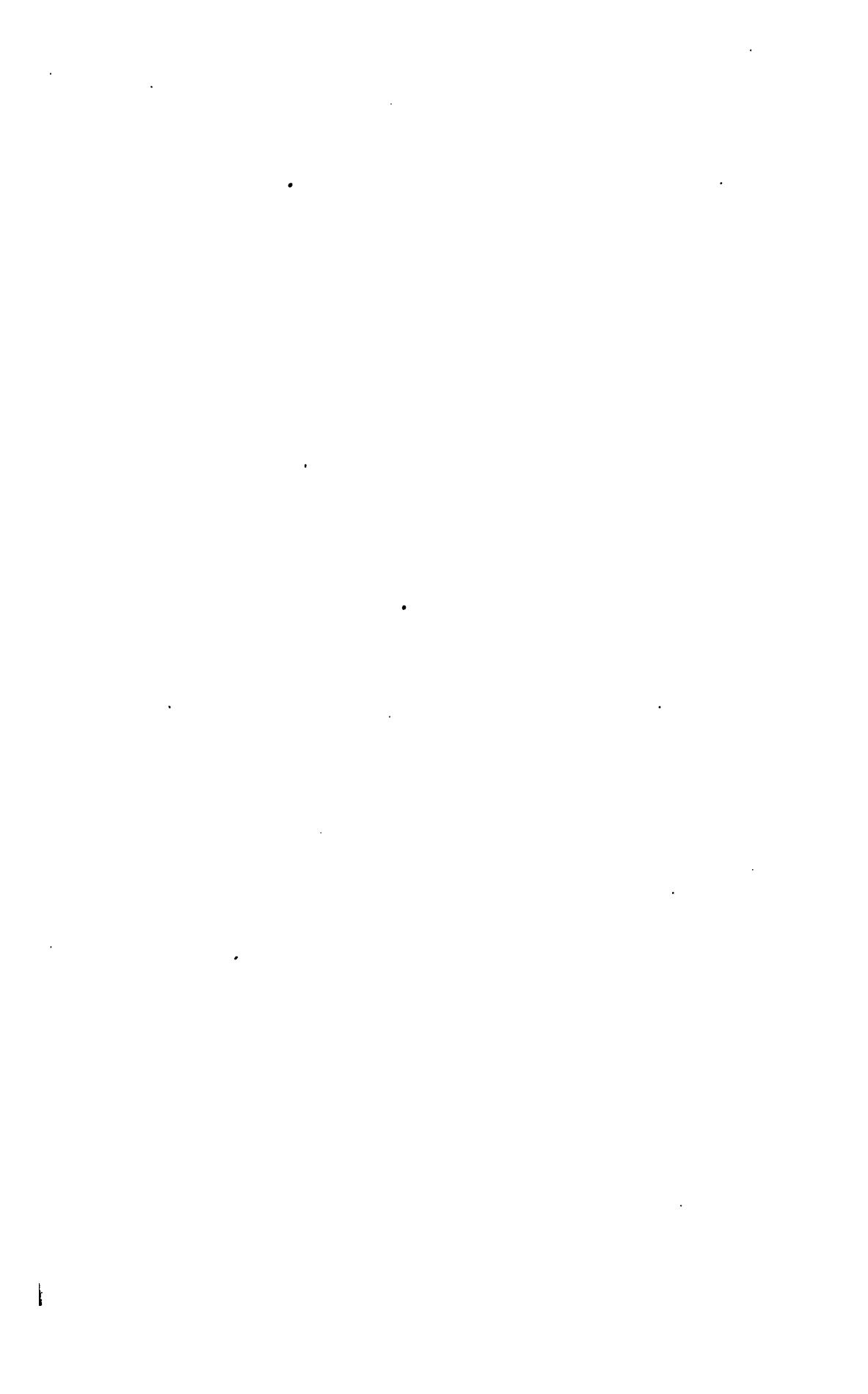
That the enclosed letter has been approved by His Majesty, who agrees to proceed to the determination of the boundary line without appointing new Commissioners, and that to this end the Portuguese Government could forward instructions to the new Ambassador, His Majesty agrees also upon the insertion of a clause respecting mutual help to be offered by each Crown, in case of an uprising in America, agreeing to address a letter upon the negotiation of this treaty, urging, at the same time that the so long claimed restitution be made of the lands occupied by the Portuguese and retained contrary to what was stipulated in the treaty of Badajoz.

Made in conformity with a memorandum dated October 5th, 1804.

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(\*) This is a translation from the original document existing in the Central Archive of Alcalá de Henares which, in copy duly legalized by the United States Consul at Madrid, forms part of group B, No. 14, of manuscript documents of the "Argentine Evidence."





**Letter of Count of Campo Alange to Minister Don Pedro Cevallos, informing the latter of an interview held with Araujo de Azevedo, relating to the Portuguese usurpations in America. (\*)**

Your Excellency : Desiring to present personally to this Minister a circumstantial letter regarding the restitution, so long promised and never fulfilled by this Government, of the lands belonging to His Majesty in South America, and which are unjustly occupied by the Portuguese since the last war, I ask the favor of an interview, and yesterday I was received by the Minister. I delivered the letter, a copy of which I enclose for the individual knowledge of your Excellency, and I spoke in general terms of the contents of the same, which form a new subject for this Minister, but which subject he will find clearly set forth in my comprehensive despatch. He received this despatch, promised to read it, and I agreed to await his answer.

In the course of our conference he made some remarks, which although they cannot be taken, nor were proffered, as the final answer which I yet await, deserve to be conveyed to Your Excellency's knowledge, as they were made in a spirit of defense or objection.

He told me that a great many of those lands had only been occupied by Portuguese deserters and natives of the place and that the inhabitants of several of the villages belonging to His Majesty and which are occupied by the Portuguese, had applied to the Portuguese Government and had asked to be

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(\*). This is a translation from the original document existing in the Central Archive of Alcalá de Henares which, in a copy duly legalized by the Consul of the United States at Madrid, forms part of group B, No. 15, of the manuscript documents of the « Argentine Evidence. »

retained under the dominion of His Most Faithful Majesty, and, finally, it being very convenient to remove all cause of irritation between two such friendly and intimately connected Courts, he was of the opinion that a final determination of the boundary line should be made in America, for which operation the Courts had sufficient data at hand, and could write to America for any other that might be wanting, besides, that owing to the great extension of said lands, some portions more or less in the divisory line, made very little difference, if any.

I answered in parts, and said that, if the Portuguese troops had not aided such occupation, it would not have been accomplished, and that the Portuguese who now occupied the lands that should have been returned when the war was over, were the same who had taken possession of said lands; and that the representations which the inhabitants of some of the villages, belonging to the Crown of Spain had made, or could make, to remain under the dominion of the Crown of Portugal, had no signification; because if that principle could ever be adopted, the most absurd and novel consequences would follow against the sovereignty of States, as a supposed or temporary dissatisfaction of the people would then constitute a good ground for an usurpation of territory. Regarding the conclusion of a definitive treaty of limits, I answered that such was the mind of His Majesty and that I had orders to propose the consideration of such a treaty, by appointing Plenipotentiaries from both Courts, who would discuss the question of this Continent, without appealing to the useless medium of appointing Commissioners, and that we would treat of this matter as soon as I received an answer to my request of restitution together with a duplicate of the orders that must be immediately sent to America.

He repeated that he was of the opinion that a definitive boundary treaty should be agreed, upon which should settle all difficulties now existing, and that he thought it would be convenient to insert a clause by which mutual help would be rendered by the Courts in case of an uprising in America. a measure which would be advantageous to both Crowns, and the wisdom of which is shown by the fact that such uprisings are possible and that indications of them have already been observed in Brazil, principally in the Captaincy of Minas Geraes.

If it should be agreeable to His Majesty that I should address a letter respecting the negotiation of the treaty, before I receive an answer to my despatch requesting the restitution of the lands, I hope your Excellency will inform me in time, so that I may act in accordance with His Majesty's wishes. God keep your Excellency for many years. Lisbon, September 22d, 1804.—THE COUNT OF CAMPO ALANGE.—To His Excellency Don Pedro Cevallos.

1806

**Statement about the situation of the negotiation with Portugal  
and the conclusion of a definitive treaty of limits, as  
shown by the preceding documents. (\*)**

Your Excellency :—In compliance with the resolution of Your Excellency, that a statement be made about the situation of the negotiation with Portugal about the conclusion of a definitive treaty on limits of the Dominions of America between both Powers, I beg to state : That, in the month of August, one thousand eight hundred and four, a copy was sent to Your Excellency by the Department of War of a consultation made by the Board of Fortresses and defence of the Dominions of Indies, in relation to the great and unjust usurpations of the possessions of Spain in South America, committed by the Portuguese, the opinion of the Board being that the best means to eradicate these transcendental evils is to conclude, without delay, by competent Ministers Plenipotentiaries, a definitive treaty, with some variations in the limits, to avoid doubts and vicious interpretations on the part of the Portuguese against the possessions of His Majesty ; in order that these may be more secured, rejecting any proposal from Portugal to appoint new Commissioners for the demarcation of the limits, because they are not necessary, since there are in both Departments sufficient astronomical knowledge to fix the same, and conclude the treaty ; and in the said communication from the Department of War, it was said that His Majesty, in conformity with the opinion of the Generalísimo Príncipe de la Paz, had been pleased to approve

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(\*) This is a translation from the original document existing in the Central Archive of Alcalá de Henares which, in a copy duly legalized by the United States Consul at Seville, forms part of group B, No. 16 of the manuscript documents of the « Argentine Evidence. »

the said opinion of the Board, and that by his order the said copy of the consultation was referred to Your Excellency.

In view of which, it was resolved that a copy of the said consultation should be sent to the Ambassador of His Majesty at Lisbon, requesting him to propose to the Portuguese Cabinet the celebration of a definitive treaty on limits of the Dominions of both Powers in America ; and it being unnecessary to proceed in that direction, to appoint new Commissioners for the demarcation, as both governments have sufficient astronomical experts to fix the said limits ; that it is painful that two Powers united by so many ties and living in close harmony, cannot agree upon a contest that, in its present state, will be the source of frequent complaints and claims, the effects of which will always be injurious to the sincere friendship that ought to exist between both Cabinets ; and that Spain has been longing for centuries to see, but without success, a demarcation for which the only thing wanting is the sincere and practical wish of the Portuguese Cabinet.

It was so executed by sending the corresponding note on the twenty-fifth of September to the Ambassador at Lisbon, to whom the following copy of a representation addressed to Your Excellency by the Marquis of Sobre Monte, was sent on the second of October, relative to various acts of the Portuguese against the possessions of His Majesty in South America, so that the Ambassador should have this new proof of the offences committed by the Portuguese in those countries ; and they serve as new reasons to demand the restitution of the usurped territories, and the celebration of the desired treaty on limits between the two Powers.

With a letter of September twenty-second, the Ambassador sent to Your Excellency copy of a lengthy note which he addressed to the Minister of State of Portugal about the restitution, so often promised and thus far unaccomplished by his government, of the grounds and places belonging to His Majesty in South America, and which the Portuguese are wrongfully occupying since the last war ; and he said to Your Excellency that in his conference upon this subject which he held with the said Minister, the latter stated to the Ambassador, that many of those grounds had not been occupied but by Portuguese deserters and natives of the country ; that several towns belonging to His Majesty, and which are occupied by Portuguese, had expressed to the government their wish to remain under the dominion of His Most Faithful Majesty, and finally, that it being very proper to remove every cause of contention between two Courts so closely united and friendly, he thought, it would be advisable to determine, in a permanent manner, the limits of both Dominions in that continent, for which determination both governments had certainly sufficient data about most of the grounds, and it was easy to obtain more, by asking in America about any doubt that might occur, and besides, that the immensity of those grounds rendered certain portions thereof, more or less upon the boundary line, of little or no consequence.

The Ambassador replied that if the Portuguese troops had not aided, this occupation would not have taken place ; that the Portuguese who

retained what they ought to have restituted in those places, after the war, were the same who had occupied them ; that the representations made, or to be made, by some of the towns belonging to the Crown of Spain, to remain under the authority of Portugal, had no significance, because if that principle was to be taken as a rule, the most absurd conclusion would be arrived at against the sovereignty of States, for a dissatisfaction attributed to the people would often be a title for usurpation ; and that as far as a definitive treaty on limits was concerned, it was just what His Majesty desired, the realization of such important measure to be accomplished by the appointment of Ministers from both Courts, to discuss the matter on this continent, without having recourse to the useless means of Commissioners, but that this matter would come up for consideration as soon as a reply upon the question of restitution, accompanied with the orders to be sent immediately to America, should be received.

The said Minister repeated his opinion to make a treaty on limits, to settle all difficulties and disputes, adding that he thought it convenient to insert an article providing for a mutual aid for the Courts in case of an uprising in America, in which both Crowns could not but take an interest ; and that this perfect understanding between the two governments was all the more necessary, because such movements were not impossible, and that there had been some indications of an uprising, particularly in the Captaincy of Minas Geraes.

In view of what has been exposed, a reply was sent to the Ambassador on October fourth stating that His Majesty was well pleased with and approved the said note addressed by him to the Portuguese Minister ; that His Majesty concurred in the convenience of proceeding to the demarcation and determination of the limits of both Dominions in that continent, without appointing new Commissioners, to which end the Portuguese government might send its powers and instructions to the new Ambassador of Portugal near His Majesty, the present Count of Ega ; that His Majesty approved also the insertion, in the treaty on limits, of an article regarding the help and mutual aid that both Crowns shall offer to each other in case of any movement or uprising in America ; and that the Ambassador should send a note requesting that the formation of such treaty shall be proceeded with, but without ceasing to insist on the restitution, so often demanded, of the grounds occupied and still held by the Portuguese, contrary to the stipulations of the treaty of peace of Badajoz, 1804.

In compliance with the said three Royal warrants issued to the Ambassador, the latter, on the twenty-third of October, addressed a note to the Portuguese Minister (a copy of which was sent in letter of the twenty-seventh of the said month) earnestly repeating the previous claims and solicitations about sending immediate orders for the restitution of the grounds occupied by the Portuguese in America during the last war, stating that His Majesty was perfectly convinced that even after these grounds were restituted, a restitution that was absolutely indispensable to begin with, only a small part would have been obtained of that which is necessary to remove and extin-

guish the germs of disgust which may alter the good understanding and harmony existing between both governments, for the new celebration of a definitive treaty on limits of those dominions, a very important work left unfinished by the preliminaries of one thousand seven hundred and seventy seven, maintains an irresolution most injurious; that the appointment of Commissioners, as made in one thousand seven hundred and seventy seven, is a measure exposed to many inconveniences and endless delays, and is besides, useless, for both governments have sufficient knowledge and astronomical data of that continent; and, therefore, His Majesty wishing to remove once for ever all cause of contention and disgust, proposed to His Royal Highness the Prince Regent, as the only means to reach such important end, the appointment of a Minister from each Court to draw up a definitive treaty on limits of the dominions on the continent of America, to which end His Royal Highness could, if he so desired, authorize his newly accredited Ambassador near His Majesty, to begin at once, and without further delay, this important work which will insure good harmony between both States.

This note deserved the approbation of His Majesty, and it was so communicated to the Ambassador on November sixth, one thousand eight hundred and four.

Notwithstanding all claims and strong notes, no headway has been made thus far, nor even the least taken with regard to such important matters, and this is the status of the pending negotiation of a definitive treaty on limits of the dominions of Spain and Portugal in America,

*(The following resolution on the preceding document appears on the margin of its original.)*

The Generalísimo will please to take notice of this abstract, so as to be posted on the point this negotiation has been carried to, as a starting basis for a treaty on limits with Portugal in South America, which His Majesty trusts to your zeal and usual prudence; to which end he will send you the abstracts and remarks of Requena and Azara, Commissioners on limits, taking a literal copy of the same in advance, as it shall be done at once, to avoid that an accident may deprive us of a document without which nothing could be done. This copy will be in charge of the respective department, the officer of which, Herrador, will be at your command for the writing, he being acquainted with this work, having done it in the times of the Generalísimo; with the understanding that the abstracts shall be placed and taken every day at the desk of the officer in charge.—January eighth, one thousand eight hundred and six.

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**A note on the same subject, from the Department of State.**

To the Príncipe de la Paz.—Aranjuez, January eighth, one thousand eight hundred and six.—Your Excellency: In a note of this date I have the honor to send to Your Excellency the abstract made out in the year one

thousand seven hundred and ninety six, in reference to the demarcation of the limits of the Spanish and Portuguese possessions in South America, and the memorial lately written upon the same subject by Don Felix de Azara. I also send to Your Excellency with the said note the original letter from Don Francisco Requena relative to the said limits ; but having kept copies of both writings, in case it should be necessary to consult the same in the course of the negotiations in reference to the definitive treaty on limits, and it being convenient that a copy of the said letter shall be kept on file, for the same purpose, at the office of the Secretary of State, I abstain, for the present, from sending the said letter so that I may take a copy thereof if Your Excellency do not think it necessary that I shall send it immediately. Expecting the decision of Your Excellency, I avail myself of this occasion to offer Your Excellency my respects.





1804-1806

**Correspondence of the Commander of the Spanish frontier,  
Don Jorge Pacheco, with the Viceroy of Brazil,  
concerning the Portuguese usurpations. (\*)**

Your Excellency: The trouble and disturbance that your Excellency's worthy Government has suffered, through the consent and aid of the British Government, prevented my determination to send to the capital the unbelievers under arrest, they are here here still, twenty-eight persons of both sexes, and thirteen suckling babies. Four have died, and the others I distributed here and there in Uruguay, among the people in easy circumstances, to save the cost of their maintenance, which up to the present, has not been defrayed out of the Treasury's funds, but soliciting of the farmers whatever they might be disposed to give.

I have conceived the project which I am now about to propose to Your Excellency: it consists in giving these people their liberty, return their wives to them, cloth them, furnish them with a lance apiece, lent them some horses in order that they may begin to settle in la Bagualada, and to place them on the western coast of the Quareim; so that, with the entering and going out of the town and their commerce with it, we may see whether we may be able to better their customs; and if nothing is gained, little shall have been lost by this experiment. I have arranged to clothe them, by means of two pieces of common cloth, and the hats can be supplied from a contraband of goods, taken from the Portuguese, who are doing the most thriving business on the western coast of the Uruguay: it ap-

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(\*) This is a translation from the original document existing in the Archives of the Department of Foreign Relations of the Argentine Republic which forms part of group B. No. 18 of manuscript documents of the "Argentine Evidence."

pears to me that in our pueblos of Misiones, either all have been corrupted into following this illicit trade or there is no one who has any regard for the interests of the State. I have not yet transmitted to Your Excellency, a detailed account of this event, because various inquiries are now on foot, in connection with the official investigation; one of these being, that the arrested Portuguese confess some of the goods were taken by Don José Pérez, a resident of the Villa of Entre-Ríos, in whose charge, they say, they deposited the thousand and odd dollars, taken in the second expedition, as is proven by the value of the invoices recorded in the said investigation.

I have expressed above, the suggestion that the cloth-hats, and besides some linen-cloth, from which hats could also be made, might be destined to serve as a congratulation to these barbarians on attaining their liberty, and on these hats, a shield of bronze or tin could be placed, that would not cost all told in Buenos Ayres or Montevideo eighteen or twenty dollars, made to order, and so, those who wear them would be distinguished and singled out by this distinguishing emblem, from the others who have not allied themselves to us and by treating them well it is clearly to be seen that we would little by little attract all who are now with the Portuguese, so that, with time, it would be possible to obtain the mastery over the country, which, as I inform Your Excellency, in another communication, they have disorganized. This is a venturesome plan and perhaps, the present circumstances will hardly afford Your Excellency the time to think it over; but as I have nothing else to think about than to preserve and defend this territory, I have treated the matter according to the reasons set forth; although I shall not decide anything definitely, until I receive your Excellency's just approbation; when this comes, I shall at once proceed to carry it into effect. May God guard Your Excellency many years. Villa of Belen of Uruguay, October 28th 1806.—His Excellency.—JORGE PACHECO.—To His Excellency the Viceroy Marquis of Sobre Monte.

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Your Excellency: I did not wish to send to Your Excellency the originals of the Portuguese official documents, because I thought the many cases that to-day require your Excellency's attention, might give rise to their loss; but as it is my desire to furnish Your Excellency with a complete history of the state in which the negotiations are at present, I have decided at last to risk it; although at the same time I would beg of Your Excellency, that in case you fear there is any danger of their loss, you will kindly return them to me, in order that I may preserve them; as in them I see documents that are of great benefit to the interests of my King. May God guard Your Excellency many years. Villa de Belen del Uruguay, October 28th 1806. His Excellency.—JORGE PACHECO.—To His Excellency the Marquis of Sobre Monte.

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Your Excellency: The enclosed original document of the Captain of Dragoons, Juan de Dios Mena Barreto, Comamnder of the Siete Pueblos Gua-

ranis Orientales on the Uruguay, which is an answer to mine of September 30th and a copy of which must have already been presented to Your Excellency, will serve to inform Your Excellency, of the decision he announces to me, which relates to the establishment of a new guard, that as he expresses it, he is stationing, according to orders, in the branch or arm of the Ibicuí, called the Ñanduí. This stream springs in a false curve, that is united to the different currents that empty into the Santa Ana, and runs East-west; it is distant from the hill of Yaraó, nine or ten leagues; its longitude is seven or eight, counting to its union with the said Ibicuí, so that if the settlement be placed in the center of the mentioned Ibicuí, in would still result that they had advanced from the northern bank of the already mentioned Ibicuí to the extent of three or four leagues into our possessions: but even then, I would not agree to it as Your Excellency will perceive by the communications, that under the date of yesterday, I have forwarded to Mena Barreto, already referred to, and to Brigadier Camara, which notices I now also enclose to you.

According to my belief, they have already begun to yield; because compared with the territory they used to defend and lay claim to before, the ground they now pretend to possess is far less in extent. The said guard becomes a new thing, because it is now fixed as a formal institution, but not because of the troops that compose it, because these existed before; now camping some times on the grounds of San Juan de Dios, and other times at Guiraneay or on the Yardú. To tell the truth, Your Excellency, it is necessary to be armed with an extraordinary amount of patience to be able to treat with the Portuguese nation on this Continent, because in them, can be seen nothing but ridicule, bad faith, ignorance and ambition.

The formation of this Guard de la Concepcion and of this moving regiment (that they now wish to convert into a guard also) at the end of the year did not have any other motive, as I have expounded it to the Commander 1804, of the frontier of the Rio Pardo in one of my official notes to him, than that of proving that said territory belonged to the Crown of Lusitania, on which occurred the attack on the Lieutenant Don José Rondeau and the Ensign Francisco Barreto, but although this was their idea, they have not been able to sustain it because of their ignorance, for now we see them retreating fourteen or fifteen leagues; a very certain proof that they lack of weight in their answers, that they feel attacked, but do not know how to get out of it. Brigadier Camara, in order to avoid entering into details with regard to my observations, finds refuge in the pretext, that the question depends upon Your Excellency and the Viceroy of Brazil, Mena Barreto, Commander of the Guaraní towns which they took from us in the war, keeps begging me to settle the matter with the Governor Gama, whom I would have addressed already, had your Excellency permitted me to do so; because I see that unless something is done, the times passes by, and they, meanwhile, by stealth, now at one place and now at another, rob us of skins and cattle.

It appears to me, Sir, that my trip to Porto-Alegre would prove very useful, although before attempting it, I shall await Your Excellency's orders; which would be very justifiably given, after I had reported with all its details

and by word of mouth, all my observations, and other news I have acquired.

If I am not to leave this frontier, according to your Excellency's orders, I have great need, of the original drafts or the copies of the Portuguese communications; and besides the treaties of Badajoz; because, in every reply, I am obliged to have either one or the other under my eyes. May God guard Your Excellency many years. Villa de Belen del Uruguay, November 4th 1806. His Excellency. — JORGE PACHECO.—To His Excellency the Marquis of Sobre Monte.

MONTEVIDEO, November 11th 1806.

With its antecedents, adding the last answer of the Viceroy of Brazil, in which he unlawfully answers as if he claims these territories, and orders that everything pass into the hands of the General Assessor, that he may as speedily as possible, decide what is to be done in so grave a matter.

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I have received your note of January 30th, with another one for my Brigadier, which has already followed its destination. I omit to answer all the points therein contained, because I am not in possession of the general authority with which you are invested; and whereas you make reference to a direct communication with my illustrious Lord, the Governor General, I beg you to communicate with him in future, in all circumstances, as the appointment of these settlements and their garrisons with which I am honored, came to me from him, my part being only to execute the orders of my commander and chief, the most illustrious Brigadier, as I do promptly, and blindly execute them, in the case just occurred, directing me to establish formally my guard in Ñanduí, which I am doing, and shall always do. I reiterate that some days ago I had the pleasure to send to the prison at Rio Pardo, two Christian Indians, and two unbelivers, because of their being deemed complicated in the matter of your first complaint. May God keep you many years.—Pueblo of San Nicolás, October 17th 1806.—JOAO DE M. MENA BARROS.—To the Captain in command, Don Jorge Pacheco.

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I have just received your official noted dated the 17th of last October, in which, after dilating on some general observations, for the purpose of evading the answer to my arguments and complaints upon the unwarrantable occupation of lands and territories that belong to the Crown of Spain, you inform me you are establishing a formal guard on the Ñanduí, a point that is included within the same grounds which gives us the indisputable right, in virtue of which we have been obliged frequently to protest against your conduct.

Such arbitrary and irregular proceedings prove more and more the little regard with the solemn treaties sign at Badajoz in 1804, are regarded in these parts, and the many reiterated orders addressed to these dominions by both Courts; and they render an impossibility all sort of good faith and harmony

which are necessary in order to maintain a firm and lasting peace, such as our Sovereigns desire. In compliance with the duties incumbent upon me, in my position, I recommend to you, and notify you, that you should cease that unlawful operation; to which end, I inclose the accompanying document, that you may forward it to his illustrious Sir, the Brigadier, in the which I make the same demand; insisting besides, on a categorical reply to the departure from these fields where you wish to establish the said guard, thus claiming a right of possession that does not correspond and has never corresponded to the Portuguese power, on which subject I have, long ago, written to you as the Commander on your frontier, without having yet received the satisfactory answer, which my request is entitled to, in which I protested with the greatest moderation, that if the work of establishing the aforementioned settlement were continued, my Government would look upon it with that severity which is due to a known infraction of the agreements and federations, settled upon at Badajoz, and sacredly ratified by the Cabinets of Madrid and Lisbon.

With much pleasure do I read the information you give me of the imprisonment of the four Christians and the two unbelievers Indians, as the principal authors of the multitude of thefts daily suffered by the vassals of the King, my Master, on their property. Certainly, the news conveyed to me leads me to consider the course that has been taken in a far different light from that which I had imagined would be the result of these hostilities; for either the Portuguese nation has dominion and power over this tribe, or it has not? If she has, why does she not repress and chastise those who are constantly committing excesses, employing the most active measures to cut at the very root the abuses which give rise to our just complaints, banishing from the territory, if it be necessary, the agents and instruments of those guilty actions?

And if she has not the power, how is it that you could arrest those six individuals; who were not made prisoners in open war, as those that I have in prison? The imprisonment which you speak of in your note is incontestable proof that you have acted so with the authority exercised over legitimate vassals of your Sovereign, because were they a free people, as it was attempted to convince me of, they would not have bowed to your laws, nor would you be able to exercise the power of dominion, which is indicated by ordering them to prison which has already been carried into effect.

Should this logic appear to you diffuse or obscure, the wise Ministers of Lisbon will decide the question, when the copies of my letters and their original documents, be presented to them. May God guard you many years. Villa de Belen del Uruguay, November 3th 1806.—JORGE PACHECO.—First Captain of Dragoons, *Juan de Dios Mena Barreto*.—This is a copy.—JORGE PACHECO.

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I have been very much pleased to learn that you and your party have witnessed the union and close alliance maintained by the Portuguese detach-

ment occupying the fields of Yaraú with the unfaithful Indians, our enemies, violating in such a manner those solemn treaties of peace which are the basis of good understanding recommended by the Courts of Madrid and Lisbon. You have seen if my suspicions were unfounded about the attack which Lieutenant Carlos de los Santos Barreto intended upon my party: You heard this officer confess that he brought with him fifty-five of the heathen barbarians, and you heard him assure that with two of them and as many dragoons he sent the guide Eusebio to penetrate at night in the woods to watch my forces, and that if these had been small, the result would have been just the one I anticipated. I now ask you: Are these operations in conformity with those which you have observed on my side ever since I joined the army in the fields? Do they agree with those rules which I have adopted to treat your nation? You are aware that all the audacity of the dragoon Felipe Luis, who in sight of the people of Belen which accompanies me stripped the advance guard of the best horses which he took to the guard of La Concepción of Bacacay; was not enough to excite me, but on the contrary ignoring his unlawful operation I ordered the proprietors who claimed their animals to keep silent, moved only by the desire of doing my duty in obedience to the precepts of my August Sovereign, to whom I owe so much reverence. What satisfaction can be sufficient to soothe my feelings when I have noticed that I have not obtained credit for that careful determination which compelled me to inform the Major of the Portuguese frontiers about my entrance in these fields occupied by the Portuguese troops in the latter part of eight hundred and four amidst the most complete peace, advising him, almost asking him for permission to persecute in the said fields the Pagans, our enemies, notwithstanding the fact that they legally belong to the King my master? That satisfaction, I repeat, will be sufficient, when the operation above referred to could not save me from a precipice which I would have easily encountered if my party had not been reinforced? How is it that the Lieutenant Carlos, after having shown so much indignation at my attack upon the heathens, opens the way to me, promising his aid? You know very well the motives of such a change, and I blushingly abstain from mentioning it, because my aspiration, as I have said before, is to observe faithfully those sovereign precepts, which are all relative under the good faith to the best harmony. I make the foregoing reflexions to convince your Government of the injustice of the proceedings to which we have been exposed, which are the principal causes of our complaints which we are making every day without redress. Arroyo de los Sauces, May 3rd., 1806.—JORGE PACHECO.— To The Captain Adolfo Charaon.

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Most Illustrious Sir:—It is very unfortunate that I always meet with some difficulty to find a genuine explanation to make myself understood. In my notes of June the 10th. and July 4th. about demarcations of territories, I did not mean to treat this question, for it is neither incumbent upon my charge, nor appropriate for the Viceroy of Brazil and River Plate, as you say.

Such step, in my own estimation, is purely incumbent of sovereigns, who in their agreements or treaties stipulate these resolutions as necessary for the safety of their dominions and states. This principle being well settled, I could not very well inculcate it in a matter independent from your functions, and from my very limited powers. I certainly was under the impression that it was not the same to say that the eastern fields of Santa Maria and the northern one of the Ibicuí have been occupied by the Portuguese troops in the year 1804, (that is to say, thirty five months after the peace had been published) than to ask for the real division of the territory. It is true that my Government is urging me to demand and remonstrate and protest about the restitution of the said fields ordering me that as soon as you shall have quitted the same, as you ought to, I shall place the provisional guards on the said bank of Santa Maria and the Ibicuí, until some ulterior resolution of the Courts, which have the power to interfere with the real demarcation, as I have said before. The Governor of that main land has informed lately His Excellency the Marquis de Sobre Monte that he was working in earnest with regard to the restitution, promising that the pending reply would be satisfactory ; and you advised me in your note of May the 8th. the order of your Government in reference to the expulsion of the residents who were occupying the field of which we considered ourselves dispossessed. I firmly beleived that with such a warrant the time has arrived to do away, radically, with the abuse, for my guards one established, and through their zeal and watchfulness on the fields, the heathens would not molest the vassals of my August Sovereign neither there would be a clandestine introduction and extraction as I observe it daily without being able to remedy it, for want of means to cover the points, while there is not disturbance between the two nations. I find it difficult to beleive it that that chief should order the expulsion of the settlers, without touching the guard and encampment which are owners of the ground that is our property, which was reecognized as such since the latter part of 1801 when the war ended, till November of 1804, when you, in order to give the improper operation of Mayor Saldaña an honest appearance, placed the said guard and set up the said encampment. I shall immediately make a statement of the occurrence, so that it be known in Madrid and Lisbon when your communications and my replies shall appear, with this warning, that my expositions are legalized and confirmed by the vassals of His Most Faithful Majesty who have acted as witnesses in the various suits that have been brought here. Adjutant José Artigas having captured a cow-farm of the pueblo of San Borja headed by its Council, with passport from Saldaña to take from us the cattle which was pasturing in the meadows of the Quareim and Santana in vengeance of this just operation of Artigas, Saldaña ( calling the heathen Indians ) ordered Ensign Barreto to go out with a party, to attack the encampment of Colonel Don Tomas de Rocamora, which was at Rincon del Arecungua. This thought, or deliberation is not strange when it is considered that a few days before a detachment of the above named encampment had been destroyed by surprise by another Portuguese party. Barreto left for his mission, and he met on the way



Liutenant José Rondeau, sucessor to Rocamora in charge of the campaign. What there happened is better known to you than to me by the investigation made by Captain Joaquin Severo about this scandalous fact. You, as an able diplomat, noticing the predicament in which your nation was placed, through the arbitrary act of one of its subjects, adopted the plan of putting up that guard of La Concepcion and encampment of Yaraú, as means to prove that the grounds upon which the blunder had been committed, were duly patrolled by the Portuguese troops ; but truly, it ought not to have occurred to you at the time at which the Court had been already informed by the reports of the late Brigadier Francisco Juan Roxio, about the terms of the legitimate conquests. It is true that, for lack of thoughtfulness on the part of Saldaña, we are still in an altercation which, but for the prudence mutually maintained by both Governments, would have had consequences must serious and lamentable to mankind : I do not know, Most Illustrious Sir, I do not know indeed, that there are men capable of sacrificing to a pure whim the precious lives of their fellow beings. When that Governor intimated the expulsion of the Portuguese residents, it is not presumable that he did it with the intention that the guard and the encampment should remain, because, so God help me, what was the use of disturbing so many residents, when these were settled on the states and territories of the Prince Regent, their Sovereign ? To break up the trade which they had with the heathens, it was not necessary to create such confusion and such wholesale ruination in that great number of poor families which have begun to insure, with their labor, a fair sustenance. The strict orders and severe punishments would have impeded the illegitimate contract with which they pretend to palliate that rightful provision in addition to the fact that the settlers of the Puntas de Santa Maria did not, and could do not trade with the heathens, in spite of all which they were, nevertheless, expelled ; it is, therefore, to be supposed that His Lordship did know, and does know, that our pretension upon the grounds is the fairest and most appropriate that can be described. In view of the tenor of my argument, I am inclined to expect that you will kindly give me a definitive reply about the withdrawal of the guard and encapment, in order that may inform my Government, in discharge of the precepts imposed upon me ; for, acquiescing, as is probable, in my request, the continuous complaints with regard to the inroads of the barbarians, with which I trouble you, will come to an end ; which complaints I have made only because I could not persecute them without striking the detachament of the Yaraú under whose shelter they live protected by the law of nations, which you so much respect. Captain Juan de Dios Mena Barreto, Commander of the Siete Pueblos Guaranis Orientales del Uruguay, having informed me, by his note of Agust the 2d. last, that he has ordered the Lieutenant in the campaign to occupy, with his encampment, the southern coast of the Quarim Grande, I have requested him under date of September 30th. last, to suspend such operation, as it would be considered by me as a grave hostility, and I would complain of it to the Governor, of whose honorability I shall never doubt, to obtain satisfaction which I beg to notify to you as Commander of the frontier, so

that you may warn the said Barreto against that violence, incompatible with the well known good faith of the Spaniards. Villa de Belen del Uruguay, October 6th., 1806,—JORGE PACHECO.—To The Most Illustrious Brigadier Patricio José Correa de la Camara.

Most Illustrious Sir: When I was anxiously looking for your reply to my last note, dated October 6th, which I supposed to be favorable to the legitimacy of my demand with regard to the fields of which you deprived us in the latter part of November, 1804; when this reply, I repeat it, flattered my expectations to see that immensity of land restored to the domain of my sovereign, of which he has been dispossessed upon an unjust principle so much at variance with the precepts of public right which governs society in civilized nations; and when finally, I supposed that in view of the strength of my arguments, you would express your conviction by which our territories should be evacuated, so that I could establish the guards on the frontier, in compliance with the orders of my Government, I received a letter from the Captain of Dragoons, Juan de Dios Mena Barreto, Commander of the Siete Pueblos Orientales del Uruguay, in which he notifies me that he has ordered the movable encampment of the northern side of the Ibicuí to establish a permanent guard on the branch of this river, known by the name Ñanduí which operation I cannot accept without first having orders to that effect from the Viceroy of these provinces; for I ask you: what has been the question since the latter part of 1804 to the present time, other than the existence of the guard of La Concepcion in the eastern part of Santa Maria, and the stay of that encampment patrolling in the south of the Ibicuí? Who has defined our competency, Illustrious Sir, so that you can establish guards upon the same, as if the case had been decided in favor of the Crown of Portugal? Have you not said to me, in your last communication that these matters are awaiting the conformity of the Viceroy of Brazil and River Plate? Why then, put new possession's right in the centre of the unquestionable property of my August Sovereign?

The treaties made at Badajoz, and sacredly ratified by the Courts of Madrid and Lisbon, have not been duly accomplished by the Portuguese, because the conquests have not been restored, as was stipulated, and the vassals of His Catholic Majesty have not been indemnified for the damages sustained in that war, this being also a fundamental condition for the peace, The vassals of His Most Faithful Majesty, very far from obeying his Royal wish, in reference to the restitution they had to make to us here, have occupied a large portion of land, and this, thirty-five months after the peace had been published in all the dominions of both Crowns, as I have communicated to you in various notes, although I have noticed that you have continually evaded this chapter. Who had said that the parties can dispose of a disputed thing pending the final resolution of the suit? This is the incontrovertible rule in our legislation. I do not know whether yours, or that of your dominions, is subject to the same principles. And if such thing happens when the question is discussed by the parties rightfully, what then, when one of the said parties disputes the things by mere caprice? Such is

our case : the Portuguese deprived us of that ground arbitrarily ; we have insisted upon its restoration to us ; they have refused to evacuate it, and tried to submit it to litigation, and after prudence resolved to hear their allegations which, being imaginary, should be rejected as false, they run away from this road, and reply only by adjudging the property to themselves, presuming to legalize the adjudication. I am a Commissioner, Most Illustrious Sir, and as an obedient subject and faithful servant, I cannot view with indifference an operation so peculiar, or rather, so contrary to the rights of my Prince. If I have not ceased to repeat my claims and requests that you shall withdraw that guard of La Concepcion and the movable encampment of San Juan de Dios, Guirancay or the Yaraú, and bring them to the limits which belong to them, how could I ignore a formal establishment which they try to impose upon me, and which is probably made already, upon the property of my monarch ? I hope that these reflections, so judiciously exposed, will cause you to meditate, and induce you to distribute the justice I demand ; contrary-wise I humbly protest that I shall inform my Government, which will not fail to view with the utmost severity a transgression which violates the sovereign dispositions of both Cabinets, relative to the sincerity and good faith with which they proceed, and this Government can justify itself of any result emanating from such irregular conduct ; for it has no more important duties in these provinces than that of preserving intact the rights and possessions with which it is intrusted by the King, my Master.

The arbitrary conduct of Señor Mena Barreto compels me to address you in these plain terms, and though he says to me that the establishment he is putting up is in conformity with your order, I have positive proofs to the contrary, to accept his exposition as sincere : as for instance, your note of May the 8th, in which you assure me of the expulsion of the residents by order of Vice Admiral Paulo José da Silva Gama, Governor of this Continent ; such is your last assertion, in which you state that you are not determined to take any resolution upon my claim, pending the decisions of the Viceroy, and such, furthermore, is the satisfactory reply which said Silva Gama has promised to His Excellency Marquis de Sobre Monte, relative to the evacuation of the grounds occupied, as you know, three years after the publication of the peace, which scandalous operations has been viewed by my Government with the most praiseworthy prudence, in order not to provoke a greater movement in Europe which is furiously shaken by a series of continuous wars : but that precious virtue would easily have an end, in accordance with policy, justice and reason, when all the means that have been resorted to with the utmost moderation should be found to be of no avail. It seems to me impossible to find a sensible man, no matter how peaceful he may be, that would consent to be dispossessed of his property and interests by an unjust exercise of power.

I am anxiously looking for your reply, in which I expect to see not only the prohibition of the intended establishment of Captain Juan de Dios, but also the definitive reply, which I have asked for, about the evacuation of our fields, as I earnestly desire to go immediately to the northern border of the

Ibicuí and found there the provisional guards of the frontier which must stay there until the final decision of the Courts, according to the order of His Excellency the Viceroy, Governor and Captain General of these provinces. Villa de Belen del Uruguay, November 3d, 1806,—JORGE PACHECO.—  
To the Most Illustrious Patricio José Correa de la Camara.



**FOURTH PART**

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**1810-1893**

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**A C T S**

**of Possession and Argentine Jurisdiction  
on the Territory  
submitted to Arbitration.**



**Recognition of the Junta, the new independent Government  
of the River Plate, by the pueblos of Misiones. (\*)**

(GROUP C., NO. 1.)

I have received the official communication of Your Excellency, of the twenty-seventh of last month, including the printed documents which explain the motives and ends of the constitution of that most respectable body, and after duly considering them, I think that the corporations and authorities, in recognizing it, solemnly, have but done their duty as good patriots. I, also, inspired with the same zeal, solemnized my recognition of Your Excellency and will contribute in every thing within my power to propagate and maintain the uniformity of the same sentiments, as it is at present what upholds our territorial safety, and for the future will be the fundamental basis for the great work of sovereign representation to which Your Excellency directs and consecrates all efforts. May God grant that Your Excellency live many years. Yapeyú, eighteenth of June, one thousand eight hundred and ten.—Your Excellency: TOMÁS DE ROCAMORA.—Most Honorable President of the Provisional Junta.

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**Separating the pueblos of Misiones from the Jurisdiction of Paraguay.**

(GROUP C., NO. 2.)

Whereas, the Junta is convinced of the necessity of separating those pueblos from the pernicious influence of the Governor of Paraguay, who, in

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(\*) All the translated documents concerning this part, have been taken either from the book previously referred to: "Collection of Facts and Documents, etc., etc.," printed by the Government of the Province of Corrientes, or from the original documents which, in copies duly legalized, form part of group C of manuscripts of the "Argentine Evidence." In the beginning of each translation the number of the page, in the first case, and in the second, the designation of the group and the number of order, will be printed.



conspiracy with the rebel chiefs of Montevideo, strives to keep up the division of opinions so prejudicial and contrary to the interests of the State, as well as to the justice of the cause of the people, it is resolved that they be totally separated, from this date forth, from its jurisdiction, and that they consider themselves in no way under the dependence of Paraguay, according to which Your Honor will act by himself in their government, without any other dependence, nor obeying any other orders but those of the Superior Government; and you will inform those residents of this resolution, and at the same time give them to understand the desires of this Government for the accomplishment, by all means, of their happiness and prosperity, rescuing them from the condition of debasement and misery to which they have been reduced by the avarice and laziness of their inactive chiefs. May God grant that you live many years.—September, eleventh of one thousand eight hundred and ten.—To Colonel Tomás Rocamora.

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1812

**Ratification of the Rademaker's Armistice.**

(GROUP C., NO. 3.)

*(Letter of the Clerk of the Department of Foreign Affairs of the Prince Regent.)*

Honorable Sirs : Several days ago, and through the medium of an English man-of-war, I had the honor to receive the answer of Your Excellencies, of July twenty-seventh last, to the proposition made by Lieutenant Colonel Juan Rademaker ; and having had occasion to show to my master, His Royal Highness, the Prince Regent of Portugal, the convention of armistice agreed upon by that Government and the said Portuguese negotiator, on May twenty-sixth, His Royal Highness deigned to approve the terms of said convention, which has already produced so many good results, because the hostilities between the two armies having ceased, the Portuguese troops immediately retreated within their own limits, in the best manner they could, considering the rigor of the season and the trouble of carrying the transports. His Royal Highness, hoping that this step will be followed by all the beneficial results which were insured by said convention to both countries, and having in mind the good faith in which it was made, being desirous, also, of renewing the friendly relations which should always exist between two neighboring nations, united by such sacred bonds, has resolved to recall the Portuguese negotiator, considering that his presence there is no longer necessary, and orders me to inform Your Excellencies of this step. I avail myself of this agreeable opportunity to renew to Your Excellencies the assurances of my highest consideration.—COUNT DAS CALVEAS—To Their Excellencies the President and Members of the Junta of Buenos Ayres.—Palace of Rio Janeiro, September thirteenth, one thousand eight hundred and twelve.

**Artigas' Letters.**

(PAGES 519 AND 520.)

In confirmation of my enclosed despatch of yesterday, I am just in receipt of a despatch from Captain Blas Basualdo, in which he assures me that there are in Paysandú two armed boats from Montevideo, with Portuguese soldiers on board, waiting for the launches from Buenos Ayres, which are bringing assistance to this army. I have ordered to have brought to these General Headquarters all the horses to be found along the coast of Uruguay, on this side of the brook de la Chica, and even have the village attacked by my men, who are found in large numbers on that coast. I have taken a similar determination in regard to the coast of Paraná, and there is no doubt that I shall frustrate the designs of the enemy. It is, I think, of the greatest importance that you send immediately regular troops to camp out in the neighborhood of Yapeyú to protect those pueblos of Misiones in case of their being attacked. God keep you for many years.—General Headquarters, Salto Chico Oriental, January twentieth, one thousand eight hundred and twelve.—JOSÉ ARTIGAS.—To Señor E. Galvan, Lieutenant Colonel of Corrientes.

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(PAGE 520.)

(*Confidential*)—Being absolutely necessary to act with prudence, so as to insure the success of our cause, and bearing in mind your noble qualities and the exact knowledge you possess of this region of the country, I have decided to consult with you as to the best place where I could establish my General Headquarters.

The first measures for the security of my army having been taken, and having ordered my men to search the borders of the Uruguay and bring to these Headquarters all horses to be found near the borders, and a similar operation having been ordered in regard to the Paraná, I am of the opinion that these operations once accomplished, and in the possibility of my being informed of an attack by the enemy, it would be expedient for me to change my present Headquarters and retreat 15 or 20 leagues from the shore, to a good military position, which should reconcile the security of the army with the facility of establishing easy communications between the different points of the Bajada, the territory under your jurisdiction and the pueblos of Misiones, there being between these different points just enough distance to easily make a union of troops in case of necessity, and to gain an advantage, or to defend ourselves in the event of being attacked by the entire Portuguese army (\*) which, after having been routed by us, would have no means of reembarking. You understand then the great importance of this movement, and I rely upon you to advise me at the earliest possible moment what point to select

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(\*) Lieutenant Governor Galvan had the Government also of the pueblos of Misiones, and had charge of their defense, his army consisting of native mixed troops from Corrientes and Misiones.

for my future Headquarters. I regret very much having to retire from the borders, but I see it will be necessary if we are attacked and no assistance reaches us. Otherwise, finding myself with no other but voluntary help, I would cross to the other side of the river, meet the enemy. . . . what then could remain undone by the army of liberty? They, covered with glory, would extend their triumphs to our whole continent.

I wish, also, to consult you in regard to some place of destination for the families of the men, as it is necessary for the success of our operations that one should be left free from their care. Every thing accomplished, victory will surely smile upon us, and we will have the inefable pleasure of contemplating the citizen of Corrientes distributing the fruits of victory to his countrymen. If the cause of liberty could be intimidated upon viewing the new league of our enemies, how gratified it must feel with the league which we new form. The iron scepter of our enemies will fall, and the year one thousand eight hundred and twelve will see their total extermination. God keep you for many years.—General Headquarters, Salto Chico, on the western border of the Uruguay, January twenty third, one thousand eight hundred and twelve. — JOSÉ ARTIGAS.—To Lieutenant Governor Don E. Galvan, Corrientes.

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1813

**Artigas' Letter.**

(PAGE 524.)

I am just in receipt of a despatch from Your Honor in which I am ordered to send to Santa Bárbara, the necessary horses and cattle for the use of the three hundred young men who are coming from Misiones. I have ordered my subalterns to proceed immediately to execute Your Honor's command, and I am only awaiting the arrival of the Provincial Alcalde, to consult with him what is best to be done. I shall execute this order with the greatest care and diligence, and Your Honor can rely upon my entire obedience. God keep Your Honor for many years, Yaguarete-Corá, January twenty-fifth, one thousand eight hundred and thirteen.—JOSÉ VICTORINO PEREZ.—To the Illustrious Council and Governor of Corrientes.

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**Representation of the pueblos of Misiones.**

(GROUP C., NO. 4.)

*(Session of Saturday, November 15th 1813.)*

The General Assembly orders that the ten pueblos of Misiones, under the jurisdiction of the United Provinces, shall appoint a Deputy to represent

them in this General Assembly, and to this effect the necessary orders are to be issued by the Supreme Executive Power.—JOSÉ MOLDES, President.—HIPOLITO VIEYTES, Secretary.

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1816

**Artigas' Letter.**

(PAGE 525.)

.... I enclose at the same time the reports received from the Commander of Misiones, and from his Captain Miño. By said reports Your Honor will see the origin of the movement which took place on the frontier, inaugurated by Lengues and other residents, and about which Your Honor will take the necessary measures, and will also see about the cattle which was taken away from said residents which, if rightly owned, shall be distributed among the captors, and, if taken from others, shall be returned to their owners.

By the despatch of December twenty-seventh ultimo, Your Honor tells me that the troops of San Roque advanced upon Itatí, and that the direction taken by the troops of Saladas is unknown, because no official information has been received as yet by Your Honor. My order was imperative regarding the reunion of all those troops at Salados, at which point they were to be placed at Your Honor's disposition, and render the immediate orders of Commander Mendez, who should have been there first to execute this order.

.....  
I avail myself of the opportunity to renew to Your Honor the assurances of my highest consideration. Headquarters, January second, one thousand eight hundred and sixteen.—JOSÉ ARTIGAS.—To the Illustrious Council and Governor of Corrientes. (\*)

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(PAGE 526.)

To-day I received a despatch informing me that the Indians who interrupted the exploitation of the «Yerbales» had been surprised. (\*\*) Captain Pablo Gomez writes me that many Indians made good their escape, but that measures have been taken for their capture. Health and happiness. Ge-

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(\*) There are many more letters of the same tenor as the one quoted above, which show the assistance rendered by Corrientes to the army of Artigas operating against the Portuguese on the frontier of Uruguay and Misiones.

(\*\*) Proof that the inhabitants of the «Yerbales» Misiones were protected by troops from Corrientes.

neral Headquarters, San Roque, May twenty-eighth, one thousand eight hundred and twenty one.—RICARDO LOPEZ JORDAN.—To the Military Commander of Corrientes.

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(PAGE 527.)

..... I have been informed of them and in reply must say that the General has left for the field, and I presume is now on the Portuguese frontier, consequently he cannot deliberate upon Your Honor's despatch. It lies with Your Honor to take the necessary measures for the protection of our rights of freedom, and Your Honor can well believe that if the Commander of those troops should report to the Commander in Chief, he would gladly receive their assistance, if they are composed of volunteers, as he will not have, even among his own men, others than those going of their free will.—Your obedient servant.—Purification, September third, one thousand eight hundred and sixteen.—GREGORIO AGUIAR.—To the Illustrious Council and Governor of Corrientes.

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..... The day has arrived when it becomes necessary for the Americans engaged in the defense of the rights of freedom, to unite their forces and make a last effort in behalf of this cause. The Portuguese menace us on every side, and although they have not succeeded as yet in making any headway, still they are a nation liable to gather, should we give them time, resources that we do not have : for these reasons the General has decided that the patriot shall unite on this point, and he has ordered me to write asking Your Honor to send as many soldiers as possible, with all the arms and horses available.—Purificacion, November seventh, one thousand eight hundred and sixteen.—GREGORIO AGUIAR.—To the Illustrious Council and Governor of Corrientes.

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**No. 708.—Creation of the Provinces of Entre Rios and Corrientes.**

(GROUP C., NO. 5.)

The Supreme Director of the United Provinces of the River Plate.—To repair the injury done to the commerce, industry and population of the country, by reason of the last war, constitutes to-day my highest ambition. Of little benefit could it have been to have defeated the enemies of the country, if the advantages of victory should not favor the inhabitants of the same.

The great territory of Entre Rios, and that comprised within the jurisdictions of Corrientes and Misiones, are in the same conditions which ori-

ginated the establishment of an Intendency and Government in the oriental border of the Uruguay. Both regions, possessing great rivers, being rich in natural products, and capable of the greatest development, demand, for the defense of their prosperity, the establishment of an immediate authority responsible to the Supreme Government of the country, and in accordance with the laws and system of unity adopted by the Provinces. Bearing these principles in mind, and after hearing the opinion of my Council of State, I have decreed as follows :

I Article.—The territory of Entre Rios, with all its centres of population, will from this date constitute a Province of the nation, bearing the name of Province of Entre Rios. The said Province will be bounded on the North, by the line formed between the Uruguay and Paraná rivers, by the river Corrientes, from its confluence with the Paraná until its confluence with the brook Aguarachí, and by this brook onwards as far as its confluence with the Curuzú-Cuatiá, until its confluence with the Miriñay, in the neighborhood of the Uruguay river ; on the East, by the Uruguay, and on the South and West by the Paraná.

II Article.—The city of Corrientes and the pueblos of Misiones with the territories under their respective jurisdiction, will constitute from this date a Province of the nation, bearing the name of Province of Corrientes. It will be bounded on the North and West by the Paraná river, as far as the dividing line of the Portuguese dominions ; on the East by the Uruguay river, and on the South by the same line designated as the Northern boundary for the Province of Entre Rios.

III Article.—Both territories created into Provinces are now separated from the Government of Buenos Ayres, and will be ruled by Intendant Governors having the same faculties, rights and prerogatives as the other Governors of Provinces.

IV Article.—The Villa de la Concepción del Uruguay will be the capital of the Province of Entre Rios, and the city of Corrientes will be the capital of the Province of the same name. The Governors will reside ordinarily in their respective capitals; but in time of war, and whenever circumstances may demand it, the Governor of Corrientes will reside in the pueblo of Candelaria.

V Article.—Both Provinces will appoint Representatives to sit in the General Constituent Assembly in the form prescribed by the national law regarding the United Provinces.

VI Articles.—The present decree will be endorsed by my Secretary of State and published in the «Gaceta Ministerial,» and will also be presented to the approval of the General Constituent Assembly of these United Provinces. Given at Buenos Ayres, on September tenth, one thousand eight hundred and fourteen.—GERVASIO ANTONIO DE POSADAS.—NICOLÁS DE HERRERA, Secretary.

( PAGE 325.)

I send you the two pounds of gun-powder which you requested in your favor of the twenty-eighth of last month. I need not ask you to use it with economy as you know its value.

I return the bill in favor of Don Valentin Chas, in order that it may be endorsed by Commander Don José María Segovia when there may be funds at Goya.

As to the affairs of Misiones, it is necessary that you shall adopt conciliatory measures towards the Indians. Present emergencies require it. Commander Esquivel will speak with you on this subject.

I suppose that Aid-de-Camp Urdinarrain has informed you of the base projects of the Governments of Buenos Ayres and Santa Fé. Their one desire is that we may have a civil war that will annihilate us. To avoid such a state of affairs, it is necessary to sacrifice any conspirators who may arise in that part of the country. We cannot be merciful to them. Health and Liberty. General Headquarters, Paraná, September fifth, one thousand eight hundred and twenty one.—RICARDO LOPEZ JORDAN.—To Señor Evaristo Carriego, Military Commander of Corrientes.

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( PAGE 326.)

No doubt you have some *yerba* which you can send me for the use of the troops, which *yerba* you shall please to remit immediately, and I also need all you can get from Misiones.

Please send a Priest to Misiones with Don Amadeo Bomplan. The services of the priest are needed there under the present circumstances. Bomplan writes me that he has decided to make another trip, and that he will try to calm the feelings of the inhabitants. I think the idea is a good one, and you shall please to consult with him in regard to this important subject. Health and Liberty. General Headquarters, Paraná, September eleventh, one thousand eight hundred and twenty-one.—RICARDO LOPEZ JORDAN.—To Señor Evaristo Carriego, Military Commander of Corrientes.

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( PAGE 188.)

At this village of San Roquito, on the sixth of February, one thousand eight hundred and twenty two, I, Commander Don Juan Francisco Tabocuyá, the First Alcalde Don Francisco Solano Aripé, the Provincial Alcalde Manuel Tabaceú, and the other inhabitants of this village, have gathered together in General Assembly to deliberate upon our future political destiny, as we find ourselves without any protection from the authorities and chiefs

of Misiones of whom we have depended heretofore, and we consider ourselves, in consequence, free to act independently of the Misiones government and in such a manner as will permit us to support our country's cause and place ourselves at the same time under the protection of a legitimate government. After a mature deliberation upon the subject, we have unanimously agreed to unite ourselves to the Province of Corrientes, declaring our obedience to its government and to the Supreme Government of the country, forming with the Correntinos but one family, and recognizing as our Governor, Lieutenant Colonel Juan José Blanco, present Governor of Corrientes, and in the future recognizing all those that may succeed him. And further we agree that this original act be forwarded to the Supreme Government with the respectful request that we may be recognized as true citizens of Corrientes, obeying its constitution and laws.

As a proof thereof, we have signed the present act on the above-mentioned date. At the request of Commander DON JUAN FRANCISCO TABACAYU, Miguel Chau; at the request of the Provincial Alderman DON MANUEL TABOCUABÉ, Damasio Ibarové; FRANCISCO SOLANO ARIPE, Alderman; at the request of the Judge Commissioner DON JOSÉ BARICUYÉ, Sebastian Cabral; MIGUEL CHAU, CALISTO MBOYÁ, DAMASIO IBAROVÉ; at the request of Lieutenant ANDRÉS NONGOI, Mariano Tacacá; at the request of Lieutenant DON JOSÉ MBORORI, and of the Alderman DON PEDRO TAPIRAYU, Miguel Chau, etc.

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I enclose the documents showing what I have accomplished in this village of San Miguel, whose inhabitants, Spaniards and natives, voluntarily and unanimously have agreed to be incorporated in and depend of the Province of Corrientes. God keep Your Honor for many years. San Miguel, January twenty-second, one thousand eight hundred and twenty two.—SATURNINO BLANCO.—To Lieutenant Colonel Don Juan José Blanco, Acting Governor of Corrientes.

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**Convention of peace, friendship and alliance between Misiones and Entre Rios.**

(GROUP C, NO. 6.)

Convention agreed upon, on one side, by Lieutenant Colonel and General Commissioner of War, Don Evaristo Carriego, with full powers from the Government of Entre Rios, and on the other side, by the General Commander of the province of Misiones, with full powers from the civil and military authorities of the village of San Miguel.

I Article.—From this date, an offensive and defensive alliance is established between the two provinces.

II Article.—The mutual obligation is established of rendering aid, in



preference to all other object, when either of the provinces should be attacked by enemies, the Government of Entre Rios being obliged, at such times, to procure arms, ammunitions and implements of war for the province of Misiones.

III Article.—If the latter province should be attacked, its authorities are to immediately inform those of Entre Rios, and are to retreat to the right bank of the Mocoretá.

IV Article.—The Government of Entre Rios offers in behalf of the Government of Misiones : First, to request from the Government of Buenos Ayres all possible protection to the agriculture, industry and commerce of Misiones; Second, to request the proper authorities to recognize the boundaries of said province; Third, to protect its freedom of general prosperity; Fourth, that all the products of Misiones imported into Entre Rios by way of the villages of Paraná and Uruguay, are to pay no duty; Fifth, to solicit the services of a priest, or as many as may be necessary, from the diocese of Buenos Ayres, for the pueblos of Misiones, it being the special duty of the Government to attend to the fulfilment of these articles.

V Article.—It being impossible, by the treaty between the four provinces, for any of them to make war without the consent of the other three, and the province of Misiones being allied to the province of Entre Rios, the former cannot enter into any covenant of war without the consent of the latter.

VI Article.—Both contracting parties agree that all troops entering their respective territories without their consent, will be considered as enemies and invaders.

VII Article.—All treaties, conventions and agreements previously entered into by both contracting parties, are now declared null and void in so much as they may be opposed to the present Convention.

VIII Article.—The Government of Misiones declares free of duty all articles imported from the province of Entre Rios.

IX Article.—The above clauses will have no value until this Convention is ratified by the Governments of Entre Rios and Misiones.

In proof thereof, we sign two documents of even tenor at the village of San Miguel, on the twelfth day of the month of America, in the year of Our Lord, one thousand eight hundred and twenty-three, and in the thirteenth year of America's independence.—*Felix de Aguirre*, *Evaristo Carriego*, *José Ignacio Bayai*, Mayor; *José Ignacio Garaye*, First Alderman; *Juan Guayar*, Second Alderman; *Donato Chevy*, Provincial Alderman; *José Ramón de Rodas*, Chief Adjutant; Captain *Daniel Jimenez*; *José Ramon Ira*, Secretary of Government and Comptroller.

**Authorizing the Executive Power, in view of the persistent efforts of the Emperor of Brazil to occupy the Oriental Province, to put in operation in Entre Rios, Corrientes, Misiones and Montevideo, VI Article, VII Treatise and first Title of the General Army Ordinances.**

(GROUP C, NO. 7.)

BUENOS AYRES, December 24th, 1825.

The General Constituent Congress of the United Provinces of the River Plate, being informed of the new efforts made by the Emperor of Brazil to establish his dominion over the province of Uruguay, so gloriously reconquered by the valour of its free citizens, and considering that the war waged against said province is waged against the Argentine Nation, and that all the provinces are under the obligation of assisting in the work begun by the brave Uruguayans, and that said province will not be the only theatre of war, but that it may be carried into Entre Rios, Corrientes and Misiones: Considering all this, and besides, that under such delicate circumstances it is not only the duty of the national authorities to act with the greatest diligence and zeal, but also that the citizens should willingly submit to the sacrifices demanded of them for the defense and safety of the national territory; the Congress, using the faculty reserved to it in IV and V Articles of the law approved on January twenty third, while agreeing upon further measures to force the Emperor of Brazil to do justice to the Argentine people, now decrees: Sole Article.—The National Executive Power is herein authorized to put into practise in the provinces of Entre Rios, Corrientes, Misiones and Montevideo, VI Article, VII Treatise and Title first of the General Army Ordinances.—MANUEL DE ARROYO Y PINEDO, President; *José C. Lagos*, Acting Secretary. To the Government in charge of the Executive Power, Buenos Ayres, December twenty-fourth, one thousand eight hundred and twenty-five. Let it be executed, published and communicated to all whom it may concern.—HERAS—MARCOS BALCARCE.

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(PAGE 470.)

Circular. Department of War.

BUENOS AYRES, December 16th, 1825.

The undersigned Minister has the honor to present his compliments to the Governor of Corrientes, and to inform him, in the name of the National Executive Power, that through news received to-day, it is known that the Emperor of Brazil, in his desire to retain his usurpation of the province of Uruguay, redoubled his efforts in that direction upon receiving news of the defeat of his troops at Sarandé. It is known also that he contemplates the occupation of the Patagonia establishment with two thousand of his men, and that he will enlist the Indians and invade all our frontiers; this information will be laid before Congress in order to obtain its consent to dictate the

necessary measures of defense. In the meantime, Your Excellency is now urged to thoroughly organize the militia and have it in readiness to be sent to the frontier or to any other point where it may be needed. The army of the Uruguay has been ordered on this date to cross over to the province of Uruguay.—Signed, MARCOS BALCARCE. To His Excellency the Governor of Corrientes.

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(PAGE 471.)

BUENOS AYRES, March 16th, 1825.

The Government in charge of the National Executive, having in view the defense of the Republic, notwithstanding further measures that will be taken at the proper time, has considered it his duty not to look with indifference upon the present condition of the province of Corrientes, invaded as it is by the savages of the North and the troops of the Emperor of Brazil, and threatened also by the Government of Paraguay ; and being mindful of the fact that such a state of affairs cannot but be prejudicial to the country at large, and to the province of Corrientes in particular, the general Government has, for these reasons, resolved that without loss of time there are to be formed in said province one or more regiments of cavalry to belong to the regular army, the formation of which has already been proposed to the General Congress.—Signed, FRANCISCO DE LA CRUZ. To His Excellency the Governor of Corrientes.

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(PAGE 500.)

CORRIENTES, November 22d, 1825.

To His Excellency the Minister of Foreign Affairs:

The undersigned, in accordance with his previous promises, has now the honor to forward to Your Excellency the three enclosed and endorsed copies, numbering from 1 to 3, relating to the territory of Misiones and containing information that can be used against the ridiculous pretensions of the Frenchman Don Blas Despouy, who claims the ownership of a large portion of land in Misiones. These and other documents which have been previously forwarded to Your Excellency prove the bad habits and predatory customs of the Indians who occupied Misiones, the illegal political existence of that so called province and its authorities, who never constituted any form of Government, and the critical condition and roughness of the so-called Governor, of whom Despouy pretended to have bought an immense tract of land in payment of his insignificant country tavern, which was sacked by the Indians. The undersigned return the copies sent him for the better understanding of this question, availing himself of the opportunity to offer to Your Excellency the assurances of his highest consideration.—JUAN PUJOL, WENCESLAO D. COLODRERO.

(GROUP C, NO. 8.)

The Honorable House of Representatives of this province, having received the communication of the Executive Power dated to-day, enclosing the official communications received by the last mail from the Government of Entre Rios, relating to the events which have taken place in Misiones, and wishing, in view of their contents, to strengthen by every means the sincerity and tranquillity of the province, decrees:

I Article.—The Executive Power of the province is hereby authorized, without prejudice to the national agreement between all the provinces, shortly to be signed, to make a special treaty with the province of Entre Rios, establishing an offensive and defensive alliance with said province, with the object of repelling any attack made against any of the provinces, to preserve peace and public order in them, and repel all attacks against their legitimate authorities, adopting, for these purposes, all measures which prudence may suggest, and which may be conducive to the fulfilment of such a desirable end.

II Article.—Let this be communicated to the Executive Power for its execution.

And obeying orders from the same Honorable Hall, I now have the honor to communicate to Your Excellency the above decree.—Hall of Congress, Corrientes, September 3d, 1827.—JOSÉ JOAQUIN GOYTIA, Vice President; FRANCISCO MEABE, Secretary. To the Governor and Captain General of the province of Corrientes.

CORRIENTES, September 4th, 1827.

Let the preceding Honorable resolution be executed, and let it be communicated to all whom it may concern.—FERRÉ.

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(GROUP C, NO. 8.)

**Convention made between the Governments of Entre Rios and Corrientes.**

The Governments of Corrientes and Entre Rios, fully realizing the dangerous condition of their respective provinces, owing to their proximity to their common enemy, as well as to the acephalous state of the Government of the Confederation, and desirous of establishing upon an indestructible basis the peace, friendship and harmonious relations cemented between the people of the two provinces by many acts of confraternity, and in view of the necessity of uniting their efforts in an efficacious manner to repel any attack, to sustain the public order and to secure obedience to their institutions, said Governments having also decided to take part in the heroic struggle waged by the province of Uruguay against the Brazilian usurper, have finally resolved, after a careful study of the question, and with the full consent of their respective Legislatures, to agree upon a treaty by which they can carry out such sacred objects, appointing for this purpose, on the part of Corrientes, Don Juan Mateo Arriola, Assistant Secretary of State of Corrientes, and on the

part of Entre Rios, the Secretary of State of the same province, Don José Maria Echeandía, who, after exchanging their full powers, which were found to be in good form, agreed upon the following articles:

I Article.—From the date of ratification of this treaty, there will be established a defensive and offensive alliance between the provinces of Entre Rios and Corrientes, without prejudice to the national agreement soon to be reached between all the provinces of the Confederation.

II Article.—It is a sacred duty of each contracting party, to render assistance to the other, without sparing any sacrifice:

First.—To maintain the public order in any one of them.

Second.—To sustain their legitimate authorities.

Third.—To repulse any attack made against any one of them.

III Article.—If the common enemy should again invade the Oriental province before the National Executive is re-established, the two contracting parties are under obligations:

First.—To raise their military forces and place them on their respective frontier.

Second.—To cross over to the assistance of Uruguay, by common agreement, if found necessary.

IV Article.—Being a notorious fact that owing to the state of anarchy reigning in the territory of Misiones, not only the province of Corrientes suffers continued invasions by the inhabitants of Misiones, who are exclusively devoted to acts of pillage, but that said territory serves as an asylum to all the criminals of the adjoining provinces, the Government of Corrientes has full power from the Government of Entre Rios, to take all necessary measures to eradicate such evils, an undertaking to which both Governments formally pledge themselves.

V Article.—This treaty will be ratified two days from their date, by the Government of Entre Rios, and twenty days from date by the Government of Corrientes, when the customary copies will be exchanged.

And as a proof thereof, we sign, by virtue of the powers granted to us, the present treaty, and affix the seal of our respective provinces.

Done at the city of Rosario, capital of Entre Rios, on September twenty-fourth, one thousand eight hundred and twenty-seven.—JUAN M. ARRIOLA, [L.S.] JOSÉ MARIA ECHEANDIA.

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PARANA, October 2d, 1827.

In conformity with powers granted to the Executive of this province by the Law approved on this date by the Honorable Congress, the preceding treaty is now ratified in all its parts, from I Article to V Article.—VICENTE ZAPATA,—JUAN BAUTISTA ALVAREZ, Chief Clerk.—By order of His Excellency JOSE MARIA MARQUEZ, Official Attorney.

The Honorable Permanent Congress of the Province is in receipt of the communication of Your Excellency of this date, enclosing the original treaty made with the province of Entre Rios on September twenty-fourth past, by the respective Commissioners, to wit: on the part of the Government of this province, the Assistant Secretary of State, Don Juan M. Arriola, and on the part of Entre Rios, the Secretary of State of the same province, Señor Echeandía. This treaty has been considered in this evening's session, being unanimously ratified by their Honorable Congress, giving it all the force of the law.

Obedying orders from the Honorable Congress I have the honor to inform Your Excellency of this result, and to return to Your Excellency the original treaty.—Chamber of Sessions, Corrientes, October 15th, 1827,—Dr. JUAN FRANCISCO CABRAL, President; FRANCISCO MEABE, Secretary.—To the Governor and Captain General of the province of Corrientes, October 16th, 1827. Let it be executed and filed.—FERRÉ. It agrees: MARTIN BLANCO, Chief Clerk.

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**Constitution of the Argentine Republic, sanctioned in the Hall of the General Constituent Congress, at Buenos Ayres, on December 24th, 1826.**

(GROUP C, NO. 9.)

Section Fourth.—Chapter First.

*Of the House of Representatives.*

X Article.—The House of Representatives will be composed of Deputies elected directly by the people, on a plurality of votes, in the proportion of one for every fifteen thousand inhabitants, or a portion thereof exceeding eight thousand.

XI Article.—The Deputies of the first Legislature will be elected in the following proportion: For the capital, five; for the adjacent territory, four; for the province of Cordoba, six; for the province of Catamarca, three; for the province of Corrientes, three; for the province of Entre Rios, two; for the province of Montevideo, four; for the province of Mendoza, two; for the province of Misiones, one; for the province of La Rioja, two; for the province of Salta and Jujuy, three; for the province of Santiago del Estero, four; for the province of San Juan, two; for the province of San Luis, two; for the province of Santa Fé, one; for the province of Tucuman, three; and for the province of Tarija, two.

The Deputies who signed this constitution were the following, in the order in which they signed:

Deputies for the *Capital*: José María Rojas, President; Manuel Antonio Castro, Juan José Passo, Pedro Somellera, Joaquín Belgrano, Ildefonso Ramos Mexía, Valentín San Martín, Juan Alagón, Cornelio Zelaya, Miguel Riglos. For the *Adjacent Territory*: Mariano Andrade, Diego Estanislao Zabaleta, Valentin Gomez, Manuel Bonifacio Gallardo, Alejo Castex, José Luis Bustamante, Francisco Piñeyro, Manuel de Arroyo y Pinedo. For the province of

*Córdoba* : Eduardo Perez Bulnes, Elias Bedoya, Mariano Lozano, Salvador Maldonado, Miguel Villanueva, José Eugenio del Portillo. For the province of *Corrientes* : Francisco Acosta, Pedro Cavia y Caviades, Francisco Igarzabal, Pedro Feliciano Cavia, José Ocantos. For the province of *Catamarca* : Inocencio Gonzalez, Miguel Diaz de Peña, Nicolás de Avellaneda y Tula, José Antonio Barros. For the province of *Entre Rios* : Evaristo Carriego, Casiano Calderoón, Cipriano Urquiza, Enrique Nuñez. For the province of *Mendoza* : Pedro Nolasco Videla, Juan de Vargas, José Cabero, Manuel Corbalán. For the province of *MISIONES* : Manuel Pinto, Vicente Ignacio Martinez. For the province of *Montevideo* : Manuel Moreno, Mateo Vidal, Silvestre Blanco, Cayetano Campana. For the province of *La Rioja* : Santiago Vasquez, Eusebio Gregorio Ruzo. For the province of *Salta and Jujuy* : Juan Ignacio de Gorriti, Francisco Remigio Castellanos, José Arenales, Alejandro Heredia, José Miguel Zegada, Manuel de Tezanos Pinto. For the province of *Santiago del Estero* : Felix Ignacio Frias, Vicente Mena, Manuel Dorrego, Antonio María Taboada, José Francisco Ugarteche, Juan Antonio Neyrot. For the province of *Santa Fé* : Francisco de la Torre, Pedro Pablo Vidal. For the province of *San Juan* : Narciso Laprida. For the province of *San Luis* : Dalmacio Velez, Calixto Gonzalez, Santiago Funes. For the province of *Tucumán* : José Ignacio Garmendia, Gerónimo Helguera, José Antonio Medina, Juan Bautista Paz. For the province of *Tarija* : José Felipe Echazú. — ALEJO VILLEGAS, Secretary. — JUAN C. VARELA, Secretary.

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(GROUP C., NO. 10.)

The Honorable House of Representatives of this province is in receipt of the communication of to-day, from His Excellency the Governor, enclosing official communications from the Governments of Entre Rios and Misiones, whose evils extend to this province, and being necessary to strengthen the security and peace of the same, after a careful study of the question, it decrees as follows :

I Article.—The Executive Power is hereby authorized to take all prudent measures in order to suppress the state of anarchy which reigns in the province of Misiones, and to avoid in that manner all evils which threaten this province and that of Entre Rios.

II Article.—Let this be communicated to the Executive Power for its execution.

And obeying orders from the same Honorable Hall, I have the honor to communicate to Your Excellency the above decree,

Hall of Congress, Corrientes, August 28th, 1822.—JOSÉ JOAQUIN DE GOYTIA, Vice-President.—FRANCISCO MEABE, Secretary.

To the Governor and Captain General of the Province of Corrientes.

Corrientes, August 29th, 1827, Let the preceding Honorable resolution be executed.—FERRÉ.

**Treaty between the Province of Buenos Ayres and Corrientes.**

(PAGE 461.)

I Article.—The Government of the provinces of Buenos Ayres and Corrientes, enjoying the same rights and prerogatives, enter from this date, upon a solemn compact, to reciprocally help each other, to support their actual and legitimate institutions, and to defend the integrity of their respective territories, against all foreign aggression, coming from the enemies of American freedom, or from anarchists fighting against public order. (\*)

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(PAGE 459.)

The Honorable House of Representatives of the province of Corrientes, having studied with patriotic interest the events which have lately occurred in Buenos Ayres, and which are narrated in the official documents placed at its disposal by the Executive Power, has decreed as follows:

I Article.—Consistent with previous declarations made by this Province, especially those relating to the recall of its deputies from the Congress of Buenos Ayres, the resolution of December 16th, 1826, is now ratified.

II Article.—For the present, it abstains from giving its *accessit* to the law of July 3d, and to any other law emanating from the same ministry, and it acts in this case, without the consent of those provinces, with which this province has sanctioned compacts of union and confederation.

III Article.—The province of Corrientes cordially desires to maintain its union with the province of Buenos Ayres and with the others to which it is allied.

IV Article.—The province of Corrientes will not spare any effort to continue the war against Brazil.

V Article.—This Legislature will elect, in its coming session, a Deputy to represent the province in the Constituent Congress, which will convene in the city of Santa Fé, during the coming month of September.

VI Article.—Let this be communicated to all whom it may concern.

And obeying orders from the same Honorable House, I have the honor to communicate to Your Excellency the above decree, for its execution. Hall of Congress, Corrientes, August 11th, 1827.—DR. JUAN FRANCISCO CABRAL, President.—FRANCISCO MEABE, Secretary.—To the Governor and Captain General of the province of Corrientes.—Corrientes, August 13th, 1827.—Let the foregoing decree be executed.—FERRÉ.

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(\*) Buenos Ayres was aware that at the time Corrientes had just triumphed, (in the 12th and 20th of November) carrying the war into Misiones, to purge the territory of Aguirre's rebellion.



August 18th, 1828.

Department of Government.

The re-establishment of the Oriental Pueblos of Misiones by the power of the Argentine Republic on its incorporation being so laudable and conducive to the general welfare, and the Government being desirous of straightening immediately the relations of fraternal friendship and reciprocal understanding with the people of that province, in all that may tend to the promotion of the happiness of the inhabitants of both territories, now decrees:

I Article.—The inhabitants of the province of Misiones will be respected by those of Corrientes, not only in their persons and property rights, but in every other capacity, they being henceforth considered as members of the common Argentine family.

II Article.—It is accordingly prohibited to the inhabitants of Corrientes to cross the Uruguay in search of cattle or on any other business, liable to disturb the tranquility of the inhabitants of the province of Misiones.

III Article.—The cattle which, contrary to the preceding article, should be brought to this side of the Uruguay, will be confiscated, and all cattle robbers will be punished with all the rigor of the law.

IV Article.—All persons helping others to cross the Uruguay with the purpose of buying cattle or doing any other thing calculated to injure the inhabitants of said province, are included in the prescription of the preceding article.

V Article.—There are included also all persons who may cross the Uruguay with an evil intention, if said intention be proven, although unable to execute such intentions.

VI Article.—The Government authorities of the province of Misiones, are requested to pursue and capture all inhabitants of the province of Corrientes, who may be found committing, or with the intention of committing any acts of depredations, and they are requested to forward such offenders to this province, to be punished in the manner prescribed by Article III.

VII Article.—The Military Commander of Curuzú Cuatiá, as well as the chief of the force situated on that frontier, are especially charged with the execution of this decree, being held responsible for any failures in the capture of cattle robbers and other offenders.

VIII Article.—Let this decree be communicated to General Fructuoso Rivera, and to the other Military Commanders of the province, for its execution.—PEDRO FERRÉ.

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**Pact of allegiance between the Commissioners of the Province of Corrientes and those of a portion of the remainder of the old Occidental Misiones.**

(PAGE 199.)

The remaining part of the population of the Occidental territory of Misiones, tired of living in a wandering state, and at the mercy of unscrupulous

leaders who have caused them great misfortunes in lieu of the happiness to which they unanimously aspire, and wishing to live in peace and security, being sure they can obtain all the good they desire by uniting themselves to the province of Corrientes, the geographical situation of which they prefer for many reasons, they have authorized Don Juan Baltazar Acosta, and Don Fernando Argüello, to negotiate with the Government of said province, as to the best manner of reaching such a desirable end.

Said Government (having pity on these people, who are Argentines and have rendered services to the country), wishing to place them in a condition to resist the attacks to which they might be subjected from those dealing in revolts and uneasiness, has empowered Don Manuel Serapio Mantilla, and Don Juan Mateo Arriola, to treat with said Commissioners regarding such a desirable settlement of this question.

Consequently said citizens have come together and have agreed upon the following points :

In the name of the Holy and Indivisible Trinity :

I Article.—The inhabitants, constituting a remainder of the Occidental Misiones, now residing in the ruins of the old village of La Cruz, by virtue of their liberty of action, and wishing to form part of the province of Corrientes, they now submit themselves to the authorities which emanate from the laws in existence in the province of Corrientes.

II Article.—The province of Corrientes, considering them as members of the Argentine family, accepts said proposition, and regards said inhabitants henceforth, as citizens of Corrientes, enjoying the same rights and privileges as other citizens of Corrientes.

III Article.—In their turn, highly appreciating this favor, they promise to fulfil all the obligations which they assume, sustaining the authorities and laws of the province.

IV Article.—The territory of the old Occidental Misiones will remain in *statu quo* until the national Congress shall resolve the point.

V Article.—Notwithstanding what is said in the preceding article, the Argentine inhabitants of Misiones, deposit their rights to the territory, in the Government of Corrientes, which will protect it until action shall be taken by the national Government.

VI Article.—This convention shall be submitted to the Government for its approval, and will have no value until ratified by said Government.

VII Article.—Both contracting parties promise to fulfil in every part what has been agreed upon, and in virtue of which, and of the authority granted to the undersigned, they now solemnly promise that it will be fulfilled, signing two copies of even tenor at the city of Corrientes, on April 19th, 1830, and on the twentieth year of the Argentine Republic.—MANUEL SERAPIO MANTILLA. —JUAN BALTAZAR ACOSTA. —JUAN MATEO ARIOLA.—FERNANDO ARGUELLO. I, the Governor and Captain General of the province of Corrientes, by virtue of the extraordinary powers granted me by the Honorable Permanent Chamber do ratify in every part, the preceding treaty, witness my hand and seal of my Secretary of State :

done at the capital of Corrientes, on May 5th, 1830.—PEDRO DIONISIO CABRAL.—JOSÉ GARRIDO.

I, Lieutenant Colonel Don Juan Cabañas, Commander in Chief of the village of La Cruz, do ratify in every part the preceding treaty, remaining under the obligation of executing it in every respect, witness my hand and seal. Done at the village of La Cruz, on May 28th, 1830.—JUAN CABAÑAS.

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(PAGE 201.)

The Honorable Permanent Chamber of the province, having taken into consideration the treaty made by the Commissioners of this province and those of the remainder of the old Occidental Misiones on the 19th of this month, in an extraordinary session has sanctioned the following:

I Article.—The Executive Power is hereby authorized to ratify the treaty made between this province and the remainder of the Occidental Misiones on the 19th instant, by the following Commissioners: On the part of the Government of this province, Don Juan Mateo Arriola and Don Serapio Mantilla, and on the part of the Indians, Don Juan Baltazar Acosta and Don Fernando Argüello.

II Article.—Let this be communicated to the Executive Power for its execution.

And obeying orders from the same Honorable Permanent Chamber, I now have the honor of communicating the above resolution to Your Excellency. Hall of Congress, Corrientes, April 20th, 1830.—DR. JUAN FRANCISCO CABRAL, President.—Pbro. MANEL ANTONIO MACIEL, Secretary. To the Governor and Captain General of the province of Corrientes.—Corrientes, April 30th, 1830. Let the preceding Honorable resolution be executed.—CABRAL.

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(PAGE 353.)

CORRIENTES,, November 9th, 1830.

For the better execution of the law of October 29th, the Government decrees:

I Article.—All the citizens and inhabitants of the Province of Corrientes, and of all the other provinces of the Republic, are allowed to go and exploit the *yerba-mate*, and all kinds of wood, in the forest of old Misiones, subject to the prescriptions of said law, and to those of the present decree.

II Article.—Parties wishing to exploit *yerba* or wood, shall solicit from this Government the necessary license, expressing the quantity of *yerba* they intend to extract, as well as the number of workmen, arms and ammunitions which they will take, a requisite without which they will not be allowed to pass through the gateway of Loreto.

III Article.—The arms referred to in the preceding article, must be all marked by engraving the letter Z in the middle of the box, when fire-arms.

on the hand-guard when sabres, and in the point when spears, which the blacksmiths can do at the time of working them, while the latter shall be marked at the workshop of Don Luis Goet, at the cost of the owners.

IV Article.—The arms found without the above mentioned mark, will be confiscated by any of the Government officials, and placed by them at the disposal of the Government.

V Article.—The foremen of the parties who are to work in the already mentioned forests, will be held responsible for the conduct of the men under their orders, and whose conduct must be the very best.

VI Article.—With the licenses, of which mention is made in Article II, the foremen shall present themselves to the Commander of the frontier, who after noting the number of men, arms and ammunition, and animals which they shall carry, will allow them to pass, after writing the above information in a book which he shall have for this purpose.

VII Article.—The foreman of each party shall immediately report to the Inspector of the Establishment, showing him his license, and receiving from him orders regarding the manner of proceeding with his work.

VIII Article.—The foremen and men will be under the military authority of the Commander of the frontier, and under the authority of the Inspector, for all subjects, concerning their work.

IX Article.—It is prohibited to cut up *yerba-mate* trees by the root, which are to be benefited in the manner prescribed by the Inspector.

X Article.—Any one who may act in contradiction to the preceding stipulation, shall be deprived of all his *yerba*, half of which will belong to the State, and the other half to the Inspector.

XI Article.—All foremen, after finishing his task, shall give advice of it to the Inspector, who must examine the worked plot; and in case of any infringement of the regulations, he shall hold the foreman of the party responsible, and turn him over to the Commander of the frontier, after seizing all the *yerba* worked by him; but if all the regulations and provisions of this decree have been observed, the Inspector shall record it at the foot of the license they brought in, to be afterwards presented by the foreman present to the chief of the force, who, after ascertaining the return of his men and arms by him registered on their arrival, shall authorize the return, following the Inspector's notice, and should he detect any fault, he shall investigate its reasons.

XII Article.—The duty imposed by this law shall be paid at the Tranquera of Loreto's, to the Collector stationed on that point, who shall notice the amount paid, at the end of the license.

XIII Article.—Said Collector will receive his instructions from the General Collectorship of the province about the discharge of his duties.

XIV.—The passage to and from the forest will necessarily be that of the Tranquera of Loreto.

XV Article.—Those infringing the preceding article, to and from the forest shall lose all their *yerba-mate*, and everything to be found with them, half of it to belong to the State, and the other half, to those who may denounce and seize them.

XVI Article.—The Inspector will see that only the first class *yerba* is worked, and will not allow the extraction of any *yerba* of inferior quality.

XVII Article.—The *yerba* plantations of the villages are the property of the Government, and the exploitation of them is prohibited to any one not especially authorized.

XVIII Article.—Let this be published and made known to all whom it may concern, and let it be inserted in the official Register.—PEDRO FERRÉ.

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**Treaty of Peace and Friendship and a Temporary treaty of limits, between  
the province of Entre Rios and Corrientes.**

(GROUP C NO. 11.)

The Governments of Entre Rios and Corrientes, desiring to reestablish the bonds of true friendship which had always united said governments, until political events came to disturb their cordial relations, and it being also necessary to settle some pending questions for the happiness of the inhabitants of each Province, they have appointed for this purpose, the following Commissioners: On the part of Entre Rios, Captain Don Manuel Basalvilbaso, and citizen Don Martin Ramos, and on the part of Corrientes Dr. Teodoro Gauna and Don Domingo Latorre, who, having exchanged their respective full powers, and found them to be in due form, agreed to the following:

I Article.—The limits of the Provinces of Entre Rios and Corrientes, will be for the present, and until a general agreement is reached, the rivers Guayquiraró and Mocoretá, drawing a straight line from the extremes of the former to the extremes of the latter river, a line which shall be marked by means of posts as a sure sign of recognition.

II Article.—The Government of Corrientes, to reward the important services rendered by the brave army of Entre Rios, will give the Government of the latter, 320.000 heads of cattle, and, 20.000 horses whenever they shall be demanded.

III Article.—The Government of Entre Rios renounces its rights to the 25.000 silver dollars, 80.000 heads of cattle and 50.000 horses, which, by the treaty of April, 1839, the Province of Corrientes undertook to pay to the Province of Entre Rios.

IV Article.—The Government of Entre Rios and Corrientes in order to strengthen the bonds of friendship which unite them, allow the citizens of the River Plate Republic, to transact business freely on their respective frontiers, without paying any more duties than the duty paid at their respective ports.

V Article.—The free entrance of live cattle from one Province into the other is also permissible, and this cattle shall pay no duty but the one imposed on their hides, the suckling, not yet in a condition to be marked, being exempted from said duty.

VI. Article.—The free introduction of all commercial articles going in bond from one Province to the other, is also declared permissible.

VII. Article.—In the territory of Misiones will be stationed a military force from the Province of Entre Rios under the command of an officer appointed by said Government, until the National Congress shall convene and decide as to the rights of the people of Misiones to be considered as constituting a Province.

VIII. Article.—Until that time, the people of Misiones will be represented by two Deputies in the Congress of Corrientes.

IX. Article.—The administration of the territory of Misiones, will continue to be exercised, as up to this time, by the Government of Corrientes until the time specified in the VII Article or until it shall contain a sufficient population to become a Province. The military force of Entre Rios which shall occupy it until then, will be paid by the Government of Corrientes.

In witness thereof, we have signed two copies of even tenor, at Villanueva, on February 9th., 1843, the thirty fourth year of our Freedom, the twenty eighth year of our Independence and the fourteenth year of the Argentine Confederation.—MANUEL BASAVILBASO—MARTIN RAMOS—TEODORO GAUNA.—DOMINGO LATORRE.

I, the Governor and Captain General of the Province of Corrientes, by virtue of the extraordinary powers which have been granted to me, do hereby ratify in every part, the preceeding treaty made with the Province of Entre Rios, ordering that it may be executed. In witness thereof, I sign this at Villanueva, on February 10th, 1843, the thirty fourth year of our Freedom, the twenty-eighth year of our Independence, and the fourteenth year of the Argentine Confederation.—PEDRO D. CABRAL.—JUSTO D. DE VIVAR.

I, the Governor and Captain General of the Province of Entre Rios, by virtue of the extraordinary powers which has been granted to me, do hereby ratify every part the preceding treaty made with the Province of Corrientes ordering to have it executed. In witness thereof I sign this at Villanueva on on February 10th, 1843, the thirty fourth year of our Freedom, the twenty eighth year of our Independence and the fourteenth year of the Argentine Confederation.—JUSTO J. DE URQUIZA.—MARTIN RAMOS.

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**Constitution of the Province of Corrientes.**

( PAGE 218. )

Sanctioned by the Constituent Convention, on October 12th., 1855, and approved by the National Congress on September 25th., 1856.

In the name of God, and invoking his advice and assistance.

We, the representatives of the Province of Corrientes, who have gathered together in Constituent Assembly, and in the exercise of the rights not delegated to the National Government, decree and sanction the following Constitution :

. . . . .  
. . . . .

Given at the Capital of Corrientes, in the Hall of the Constituent Assembly, on October 12th., 1855.

TIBURCIO G. FONSECA, Deputy from the Capital, President.— José M. ROLON, Deputy from Curuzú Cuatiá and Mercedes, Vice-President, —*Manuel A. Ferré*, Deputy from the Capital, —*José L. Garrido*, Deputy from San Roque, —*José N. de Elcoro*, Deputy from San Miguel. —*Martin Blanco*, Deputy from Bella-Vista. —*Exequiel Silva*, Deputy from Curuzú Cuatiá and Mercedes. —*Francisco C. Meabe*, Deputy from Restauracion (\*). —*Martin M. Zelaya*, Deputy from Ensenadas. —*Alejo Ceballos*, Deputy from Yaté Corá. —*José F. de los Santos*, Deputy from the Capital and Lomas. —*Manuel S. Mantilla*, Deputy from the Capital. —*Juan Rivera*, Deputy from Caá-Catí, —*Juan M. Villar*, Deputy from Itatí. —*Pedro L. Cabral*, Deputy from San Luis. —*Juan F. Poisson*, Deputy from Saladas. —*Silvano Blanchart*, Deputy from Mburucuyá. —*Manuel F. Fernandez*, Deputy from Goya, Secretary. —*Teodoro Gauna*, Deputy from San Roque. —*Meliton Quiroz*, Deputy from La Esquina. —*Manuel J. Ruda*, Deputy from Caá-Cotí. —*Antonio D. de Vivar*, Deputy from Goya. —*Francisco Fournier*, Deputy from San Luis. —*Sebastian Alegre*. — Deputy from Empedrado. —*Ladislao D'Aubauch*, Deputy from Bella-Vista, Secretary.

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(PAGE 316.)

CORRIENTES, May 28th. 1856.

To Major Lino Martinez:

The Government, desiring to establish in the Yerbales of Misiones a public force to protect the workingmen and public interests, has appointed you Military Chief of Misiones, and in charge of the public inspection of that territory.

In making this appointment, the Government has relied upon your well known integrity of character, which is a guaranty that you will display your accustomed energy in the fulfilment of your new duties, acting in unison with the Justice of the Peace of the Department, so that the efforts made to avoid the frauds which are continually made upon the public treasury by the Brazilians who occupy themselves in the exploitation of *yerba-mate*, may always be successful.

The Justice of the Peace Don Waldo Zárate has been notified on this date to offer you every assistance you may request from him.

God guard you.—JUAN PUJOL.—WENCESLAO D. COLODRERO.

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(\*) This Constitution was signed by Representatives of the Departament of *Restauracion*, which included all the inhabitants who then peopled Misiones, as far as the Brazilian frontier.

CORRIENTES, April 14th 1863.

To His Excellency the Minister of the Interior.—I have the honor to acknowledge the receipt of November 5th of last year, enclosing a copy of the Law of October 17th of the same year, and requesting, in order to comply with article III of said Law, that this Government forward to that Department a circumstantial report covering the following point.

I.—The original limits of this province.

II.—The furthest limit to which the territory of the province has been settled, and over which territory the Government has had possession.

III.—The actual limits of the province.

IV.—The transfer, by sale or donation of lands adjoining the frontiers, or on the frontiers themselves, since the sanction of the National Constitution.

The undersigned has the honor of replying to Your Excellency's note, giving all the information at his command, which information is taking from the records of this Government.

This province is bounded on the South by the *Cuchilla Larga* or *Cañada de Basualdo*, and by the rivers Mocoretá and Guaiquiraró, at their respective confluence with the rivers Uruguay and Paraná; on the West and North it is bounded by the Paraná river, from the mouth of the Guaiquiraró, as far as the confluence of Iguazú, or river Curitiba, with the Paraná; on the north-east it is bounded by the river Curitiba and by the rivers San Antonio Guazú and Pequirí Guazú, as far as the confluence of the latter with the Uruguay river; on the East it is bounded by the Uruguay river from the confluence of the Mocoretá with the Uruguay.

These limits are those that the province has had since its foundation, with the single exception that the dividing line with the province of Entre Rios, was so vaguely expressed by the Decree of the Directory of September 18th 1814, between the rivers Guaiquiraró, Corrientes and Cruzú Cuatiá, that that demarcation had to be abandoned, and by laws enacted afterwards by the two provinces the limits have been marked by the Mocoretá and Guaiquiraró in the manner that I have already explained.

The Constitutional statute of Entre Rios, which has been in operation in said province since the year 1822, and several Legislative resolutions of this province, have established the limits between them, by means of the already mentioned rivers Mocoretá and Guaiquiraró and of the highest points of the *Cuchilla Larga* which divides them.

All the geographical maps of the two provinces that exist, give them these same limits.

The boundary treaty made by the Confederation, with the Empire of Brazil, on December 4th, 1856, recognizes the north-east limits of this province, marked by the rivers Pequirí Guazú and by the Iguazú or river Curitiba, in the same manner as was stipulated by the treaties of 1750 and 1777, between the Spanish and Portuguese Crowns.



This province has always been, and is now in possession of the territory within the *limitis* designated above. But from the year 1849 the Government of Paraguay has unlawfully retained a vast extension of territory belonging to this province, on the banks of the Paraná river, until passing the last settlements of the old Misiones of Corrientes. This valuable territory, situated on the north-east of Tranquera of Loreto embraces a vast area of the lands that divides the waters of the river Paraná and Uruguay, and contains several important pastoral establishments of this province. By the treaty made by the Government of the Confederation and by the Government of Paraguay, the restitution of this territory to the province was stipulated, and I hope that the national Government will not abate its efforts to secure the restitution of said territory, which is at present under the military occupation of the Government of Paraguay, having now terminated the difficulties between the two Governments which gave rise to unjustifiable occupation of said territory.

As the proceeds coming from the rent and sale of public lands, constitute the principal revenue of the province, sales are always made, but those sales made of lands adjoining the frontier lines, can never give rise to any dispute from neighboring States, as the boundary line of this province has been clearly marked out.

On the western bank of the Paraná river this province is also in possession of a vast area of land, where many establishments for the cutting and working of wood are to be found, establishments which are disseminated throughout the territory of El Chaco, from the Fall of Izó, near the confluence of the Bermejo with the Paraná river, as far as San Gerónimo, opposite the City of Goya.

In some places the cutting of wood is effected at a distance of more than forty leagues from the said bank of the Paraná, but this province has always exercised its jurisdiction over those establishments, expending considerable sums to maintain friendly relations with the Indians, and to repel their attacks upon the men working on them.

The jurisdiction of this province over the said lands of El Chaco, dates from the years 1595 and 1598, when Governor Fernando Arias de Saavedra and the Lieutenant Governor of this city, Don Bartolomé de Sandoval, distributed said lands to the founders and settlers of this city, as is proven by the registration books showing the distribution of lands which are found in the Archives of this Government.

Afterwards were founded in those lands the villages of San Fernando and San Gerónimo, which were for a long time under the jurisdiction of this province, until they began to be abandoned by their Lieutenants, who came over to this side of the river.

The province of Corrientes has also exercised its jurisdiction over a considerable area of land situated on the left bank of the Paragua river, to the extent that since the year 1779, this province has defended that vast territory from the attacks of the Indians, by means of military forces stationed at Curupaití, which point was captured by Don Juan Benitez de Arriola, citizen

and resident of this province, and whose forces went also from this province. The village Pedro Gonzalez formed an integral part of this province and was the seat of an ecclesiastical authority, dependent of the superior ecclesiastical authority stationed at this Capital; and afterwards the Parish of San Cosme, department of Ensenadas, was annexed.

All this territory, which belongs to this province by the right of incontestable title deeds, Paraguay has taken possession of, since 1811, exercising its jurisdiction over the same.

The detailed information which I have conveyed to Your Excellency, shows the indisputable right of this province over all the land which I have mentioned, and I entertain the hope that when the Argentine Congress shall determined definitely the limits of this province, it will not forget the sacrifices made by the same to maintain the integrity of the territory that it embraces, and that it will not be deprived of a single foot of land.

Having thus answered the already mentioned note of Your Excellency I have the honor to renew to Your Excellency the assurances of my highest consideration. — MANUEL I. LAGRAÑA. — GONZALO FIGUEROA, Chief Clerk.

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**A Decree, authorizing the Government of Corrientes to make contracts for the building of roads to the Yerbales of Misiones.**

( PAGE 358.)

The Representatives of the province of Corrientes, assembled in General Congress, decree:

I Article.—The Executive Power is herein authorized to make contracts with private persons to build roads in the *Yerbales* of Misiones, for the transportation of *yerba*. Said contracts are to be submitted to this Body, for their approval.

II Article.—Let this be communicated to the Executive Power.

Hall of Congress, Corrientes, July 20th 1863.—MANUEL A. FERRÉ.  
—President.—ANGEL ACUÑA, Secretary.

Corrientes, July 22nd 1863. Let this decree be executed, published and inserted in the official Register.—LAGRAÑA.—JUAN JOSÉ CAMELINO.



1863

**Protest of the Argentine Minister of Foreign Affairs, Don  
Rufino de Elizalde, against Brazilian occupation of  
Argentine Territory.**

(GROUP C NO. 12.)

Department of Foreign Affairs.

BUENOS AYRES, February 13th 1893.

The undersigned Minister of Foreign Affairs has received instructions from His Excellency the President of the Republic, to address himself to the Government of His Majesty the Emperor of Brazil, declaring that the determination of the boundary line which must be drawn in accordance with existing treaties, not having been made between the Argentine Republic and Brazil, the Argentine Government cannot authorize by remaining silent, acts of possession of Argentine territory, or of any territory that may belong to the Argentine Republic after the final determination of the boundary line. The undersigned is in consequence compelled to express to the Government of His Majesty the Emperor of Brazil, the convenience of making no alterations whatsoever regarding the possession of the lands in question, as such alterations, not being based upon any legitimate right, can only serve to produce similar acts of possession on the part of the Argentine Government, a result which this Government desires by all means to avoid.

The Government of the undersigned is in possession of authentic information regarding acts of occupation of Argentine territory which the Government of His Majesty the Emperor pretends to produce, and in virtue of this information said Government has thought it necessary to take this measure in defense of its rights.

The undersigned avails himself of this opportunity to offer to Your Excellency the renewed assurances of his highest consideration.—RUFINO DE ELIZALDE.—To the Minister of Foreign Affairs of His Majesty the Emperor of Brazil.

(On the same date the Argentine Minister of Foreign Relations sent a note to the Minister of War requesting him to take measures for the expulsion of the Brazilians from the territory unlawfully occupied).

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**Law fixing the duty of the “yerba-mate.”**

(GROUP C. NO. 13).

The representatives of the province of Corrientes, assembled in General Congress, sanction with force of law:

I Article.—For each arroba of *yerba-mate* extracted from the *yerba* plantations of this province a duty of half a real of metallic currency will be paid henceforth.

II Article.—The Law of April 4th, 1863, is hereby repealed.

III Article.—Let this be communicated to the Executive Power.—MANUEL FERNANDEZ.—ANGEL ACUÑA, Secretary.

Corrientes, March 2nd, 1864.—Let the preceding Law be executed, published and inserted in the Official Register.—LAGRAÑA.—JUAN JOSÉ CAMELINO.

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**Article II of the Constitution of the Province of Corrientes, Sanctioned on May 25th 1864.**

(GROUP C. NO. 14.)

II Article.—The limits of its territory are the following: on the South, the river Guayquiraró, at its confluence with the Paraná river, and the brook Mocoretá, at its confluence with the Uruguay river; on the East, the Uruguay river; on the North, the Paraná river as far as the Pepirí-guazú and San Antonio Guazú; on the West, the same river Paraná, and all the lands now possessed by the province, without prejudice as to what the National Congress might resolve acting according to the attribute conferred by article VI, item 14th, of the Constitution of the Republic.

Corrientes, August 12th 1892. I certify that the preceding publication exactly corresponds with the Constitution sanctioned on May 25th, 1864, to be found in the Minutes of the Honorable Constituent Convention.—PABLO GUASTAVINO, Chief Clerk.

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**A Decree, reserving certain lands in Misiones, to favor the development of the industry.**

(GROUP C. NO. 15.)

The Government of the province, considering that special favors should be granted to the industry of *yerba-mate*, destined to become one of the principal sources of wealth of the province, that the freedom to work is a condition in-

separable from the aggrandizement of the territory, making the forest accessible to all those willing to work it under the regulations, and that proper measures should be taken to secure those franchises, having in view the special nature of those lands and the divers circumstances attending their working, and preventing in time the abuse of land speculation, which may end in the monopolization of the work or may hinder it, barring it, by onerous pretences, from the laboring class or men of lesser wealth; after hearing the opinions of practised persons, and having studied the facts on the spot, decrees as follows:

I Article.—All the area of land in Misiones between Tunas Stream and San Javier, the Uruguay and the *Cordillera* to the East, which divides the lands adjacent to the Paraná, not yet disposed of by sale or feud, will be reserved, for the present, for the breeding of animals suitable for the transportation of *yerba-mate* from the interior of the Sierras, and for the establishment of sugar estates and farm work.

II Article.—The average area of land which may be granted to each applicant, after ascertaining the nature of the establishment he proposes to start, will be half a square league, but it may be augmented or diminished according to the accidents and natural boundaries of the ground.

III Article.—In these lots, no cattle or sheep will, as an industry, be bred, and no more than 300 head of cattle can be kept on each lot, for the use of the workingmen of the establishment.

IV Article.—No individual or corporation will possess more than one lot of land, and only on very exceptional cases will the Government accede to any application for more land.

V Article.—Whenever there shall be a demonstration made that parties are unlawfully exploiting more land than that assigned them upon specified conditions, said lot shall be granted to the first applicant for the same.

VI Article.—In the concession of lands, the Government will take into consideration the claims of those who have already made application for them, and shall concede them to the parties offering the best guaranty of fulfilling the contract.

VII Article.—The Justice of the Peace of the Department, associated with two more experienced residents of the place, who will be designated by the Government, will, without loss of time, select a town site of sufficient extension, to be situated in preference along the side of the *Cordillera* mentioned in I Article, and which will be reserved for the houses of the poorer classes, and for the breeding of their animals.

VIII Article.—The lots wherein are found the ruined villages, will also be reserved, in an area embracing half a square league of land, which shall be given in farm lots as in Santo Tomé, and upon the same conditions, unless otherwise agreed by the Government.

IX Article.—This decree will be submitted to the approval of the Legislature of the province.

X Article.—Let this decree be communicated to all whom it may concern, published, and inserted in the official Register.—Corrientes, March 12th, 1864.—LAGRAÑA.—JUAN JOSE CAMELINO.

(The specified regulations for the protection and working of the *yerbales* of Misiones, signed by Lagraña and Camelino, form part as No. 16, group C, of the manuscript documents of the "Argentine Evidence.")

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**Decree by the Governor of Corrientes appointing a political Chief in Misiones.**

(GROUP C, NO. 17.)

The Governor of the province, decrees:

I Article.—The citizen Don Manuel B. de Rocha is hereby appointed Political Chief of Misiones.

II Article.—Let this be communicated to all whom it may concern, published and inserted in the official Register.—Corrientes, February 20th, 1866.—LOPEZ.—JUAN LAGRAÑA.

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(PAGE 319.)

CORRIENTES, May 27th, 1871.

It being necessary to divide the vast Department of Santo Tomé into different sections, their boundaries being marked for the exercise of their authorities, and considering that the new Department of Candelaria embraces lands previously belonging to the Department of Santo Tomé, an alteration that demands a new demarcation;

The second Vice President of the House of Representatives, exercising the Executive Power, decrees:

I Article.—The territory under the jurisdiction of the Department of Santo Tomé is hereby divided into eight Sections, with the denomination of 1st, 2d, 3d, 4th, 5th, 6th, 7th and 8th Sections, which shall be administered by a Judge and the corresponding officers of justice.

II Article.—The jurisdictional boundaries of the 7th Section are on the North, the Periquero-grande; on the South, the Chimirain; on the East, the Uruguay River, and on the West the Sierra General, from the peak of San José, as far as the peak of Concepción. The 8th Section is bounded on the North, by the Pepirí-guazú; on the South, by the Periquero-grande; on the East, by the Uruguay River, and on the West, by the Sierra General.

III Article.—Judges are hereby appointed for the foregoing Sections: for the 7th, Don Santiago Messano, and for the 8th Don José Fernandez de los Santos.—CEBALLOS.—JUAN LAGRAÑA,

**Report of the Boundary Committee of the Senate and House of Representatives of the Argentine Republic, specifying the boundaries of the territory of Misiones.**

( PAGE 282. )

Honorable Sir : The Boundary Committee, having held many meetings in which the interprovincial boundaries were discussed, has arrived at the conclusion that for want of a map covering the whole territory of the Nation, it is now impossible to mark said boundaries with any degree of accuracy, and the Committee recommend that the *statuo quo* relating to said boundaries, be left in operation, and a law passed defining the boundaries of the National Territories. Therefore, said Committee has the honor to recommend the passage of the following bill :

The Senate and House of Representatives, etc.

I Article.—The following Argentine territories are hereby declared to be under the jurisdiction of the National Government, for purposes of defense, colonization, administration, sale of lands, etc.

I.—On the North, the National territory bounded by the Pilcomayo River . . . . .

IV.—On the East, the territory bounded by the 58° Meridian West of Paris, which territory must be previously ceded by the province of Corrientes, bounded also by the Paraná River on the North West ; by the Yguazú River on the North ; by the Brazilian frontier on the East, and by the Uruguay River on the South and South East ; said territory to be named Territory of Misiones.

V Article.—Let it be communicated to the Executive Power.

Room of the Committee, September 21st, 1871. B. MITRE, B. VALLEJO, JUAN LLERENA, JOSÉ MANUEL ARIAS, J. E. TORRENT.

The Committee has the honor to enclose with the present Bill a Geographical Map of the Republic, wherein are marked in red lines the boundaries of the different National territories which are recommended to be created.—MITRE, VALLEJO, LLERENA, ARIAS, TORRENT.

( GROUP C, 18. )

Department of Government.

CORRIENTES, July 15th, 1876.

The Governor of the province, considering :

First.—That the *yerbales* of Misiones constitute an important part of the wealth of the province.



Second.—That the forests are exploited without the least care, the trees being cut down and their reproduction prevented.

Third.—That the continuance of this state of affairs will be the ultimate destruction of such an important industry.

Fourth.—That owing to the introduction of Paraguayan *yerba*, the vendors pass one class of *yerba* for another, and thus defraud the State Treasury.

Fifth.—And considering that it is necessary to regulate the exploitation of *yerba*, it decrees:

I Article.—Don Juan Goicochea is hereby appointed Commissioner General of the *yerbales* of the Alto Paraná.

II Article.—Don José Fernandez de los Santos is hereby appointed in the same character for the *yerbales* of the Alto Uruguay.

III Article.—A Commission composed of the Commissioner General and of Don Felipe Fernandez and Don Inocencio Godoy, will submit at the earliest convenience, a set of rules directing the exploitation of *yerba* and the conservation of the *yerbales* of the Alto Paraná.

IV Article.—Another Commission composed of the Commissioner General and of Don Abelardo Escalada and Don Otto Negandank will submit a similar set of rules directing the exploitation and conservation of those of the Alto Uruguay.

V Article.—The Commissioners appointed are hereby authorized to take all measures necessary to the preservation of the *yerbales*.

VI Article.—The authorities of Trinchera de San José, and of Santo Tomé, will cooperate with the Commissioners to protect the *yerbales* from destruction.

VII Article.—The General Commissioners are hereby authorized to appoint an experienced person, in case of any resignation being presented by the Commissioners appointed by III and IV Articles.

VIII Article. The General Commissioner and local authorities are earnestly requested to have put in operation the decree of January seventh, one thousand eight hundred and four, relating to the exploitation of the *yerbales*.

IX Article. The Honorable House of Representatives will be requested to assign a salary to the Commissioners appointed, who will serve gratis in the meantime.

X Article. Let this decree be communicated to all whom it may concern, published, and inserted in the official Register. MADARIAGA. SEBASTIAN ALEGRE.

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(GROUP C, NO. 19.)

Department of Finance and Public Instruction.

CORRIENTES, August 31st, 1876.

In view of the reasons set forth by the Commissioner General of the *yerbales* of the Alto Uruguay, in his letter of the seventeenth instant, the Governor of the province, decrees:

I Article.—Don Estanislao Lassaga is hereby appointed Commissioner General for the *yerbales* of the Alto Uruguay.

II Article.—The Government tenders thanks to Don José Fernández de los Santos, for the important services rendered to the province during his short term of office.

III Article.—The Commissioner General appointed will be ruled by the instructions set forth in the decrees of July fifteenth ultimo.

IV Article.—Let this decree be communicated to all whom it may concern, published and inserted in the official Register.—MADARIAGA. SEBASTIAN ALEGRE.

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( GROUP C, NO. 20.)

The House of Representatives of the province of Corrientes sanctions with force of law:

I Article.—The Executive Power is hereby authorized to sell the public lands situated in the Departments of San Javier and Candelaria (including the *yerbales*) at the rate of from five hundred to seven hundred and fifty dollars per square league, when the sale shall be made payable in cash, and at the rate of from one thousand to fifteen hundred dollars per square league, when the sales shall be made according to the prescriptions of the law of 1869.

II Article.—The lands belonging to private individuals, who may have lost their rights to the same, by reason of not having satisfied the annual payments stipulated in V Article of said law, as well as all lands which are found to have been already surveyed.

III Article.—Those persons who may possess sugar plantations and establishments for the exploitation of *yerba-mate*, shall have primary choice in the sale of adjoining land, and a period of three months is hereby granted to them to present their propositions in writing.

IV Article.—The sale of lands authorized by this law, can only be made in lots of one to twenty-five square leagues, and no single person will be allowed to purchase more than this number of square leagues.

V Article.—The Executive Power may waive the survey of certain lots having national boundaries, at least on two sides of them, showing with clearness their location, but the Executive Power will not entertain any other applications for purchases, if said application be not accompanied by the report of the Topographical Department, where a Special Register Book will be carried, in which shall be noted the date of presentation of each application of purchase, the name of the applicant, the boundaries and area of the land applied for, the date when the Executive Power shall grant the sale, and the date upon which said Executive Power shall deliver the respective title deeds, which deeds shall be communicated to the applicant through the medium of the proper official. The sales made in this manner will all be under the condition that the lands will be surveyed, within ten years after granting the title deed.

VI Article.—The proceeds of the sale of said lands, will be used to cover the deficit in the appropriations for the current years, and to pay the outstanding debts of the province.

VII Article.—The Executive Power shall regulate the manner of executing the following article, taking as a basis the law of October 2d, 1878.

VIII Article.—All previous laws opposing the present one are hereby repealed.

IX Article.—Let this decree be communicated to the Executive Power.

Hall of Congress, Corrientes, June 21st, 1881.—CLAUDIO ROLON, MANUEL F. MONTENEGRO, Secretary.

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CORRIENTES, June 22d, 1881.

Let this be communicated to all whom it may concern, published and inserted in the official Register.—GALLINO.—OCTAVIO GONDRA.

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**A Decree, ordering a chart of the province of Corrientes, with the territory of Misiones, to be drawn, and appointing surveyors.**

(GROUP C, NO. 21.)

Department of Finances and Public Instruction.

CORRIENTES, June 9th, 1877.

In view of the reasons advanced on this date by the Commission charged with the collection of documents proving the rights of this province over the territory of Misiones, and in view of the report of the Topographical Department;

The Governor of the province decrees:

I Article.—Don Marcelino Chapo and Don Juan Gustavo Perret, land Surveyors, are hereby appointed to fill the Topographic Board with the sole purpose of drawing a Geographic Map of the regions of the province, which may be affected by the question of its territorial boundaries.

II Article.—The compensation to be received by each of the appointees will be 150 dollars.

III Article.—Let this decree be communicated to all whom it may concern, published and inserted in the official Register.—MADARIAGA. SEVERO FERNANDEZ.

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**Justice of the Peace.**

(GROUP C, NO. 22.)

SANTO TOMÉ, July 24th, 1877.

To Señor Ramon Contreras, Member of the Commission to collect documents:

In answer to your letter of June thirtieth ultimo, I must inform you that

at the earliest opportunity I will send you the information regarding the exploitation of *yerba-mate*, etc.

In regard to the action of the civil and police authorities of this Department, I can answer the Commission that it makes itself felt as far as the natural boundaries of the province, that is to say, as far as the Pepirí-guazú on the Eastern side of the Sierra of the *Yerbales*, denominated Cordillera Central. Into those closed forests police patrols sometimes enter, for the purpose of capturing robbers. These are land police, however, as the fluvial police are in the hands of the National Inspection, in whose jurisdiction my authority can only be felt by consent of the National Revenue Collector of this place.

Desiring to contribute to the defense of our territorial rights, I have appointed an experienced person to collect all documents relating to that subject, which documents will be remitted to that Commission at the earliest opportunity. May God bless you, etc.—CIPRIANO ROMERO, Acting Justice of the Peace.

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**The House of Representatives of Corrientes authorizes the Executive Power to make a contract upon Colonization in the Territory of Misiones.**

(PAGE 376.)

The House of Representatives of the Province of Corrientes, sanctions with force of law:

I Article.—The Executive Power is hereby authorized to make a colonization contract with Don Francisco Lopez Lecube, acting as the agent of Messrs. Firmat, Napp and Wilcken, who reside at the capital of the Republic, said contract to be made upon the following basis;

1st. The following concessions of lands are granted to Messrs. Firmat, Napp and Wilcken, for the exclusive purpose of colonizing them: One and one quarter of a concession, (each section being of 40 square kilometers), at the confluence of the Iguazú river bounded on the West by the Paraná river, on the South by the Uruguái stream and on the East by whatever the surveyor may determine in order to complete the area solicited.

2nd.—One quarter of a section (that is to say, ten square kilometers) at the confluence of the Pepirí-Guazú with the Alto Paraná,

3rd.—One quarter of a section of equal dimensions at the confluence of the Paraná and Iguazú with the Alto Paraná.

4th.—One quarter of a section at the confluence of the river Caraguayá or Icaúguazú with the Paraná.

II Article.—Regarding the colonization of the one and one quarter concession at the Iguazú river, the contractors shall abide by the National Colonization Law of October 16th 1876.

In regard to the three remaining fractions of one quarter of a section each, they are to act in accordance with Article 124th, Chapter VII, of the same law, which says:

“ But when they shall be of an extension less than that necessary [to

constitute a section, then the survey, division and distribution of the land will be made in the most convenient manner, according to the circumstances of the case."

III Article.—According to said law, a whole section must be divided as follows: . . .

IV Article.—The contractors will give to each settler, and head of a family, who may be found in the lands conceded, a farm lot of one hundred hectares.

V Article.—The contractors bind themselves to introduce at least two hundred immigrant families, upon the conditions set forth by the Article XII of the National Colonization Law, within a period of four years, to commence when this contract. Each family shall be composed of at least, husband, wife and two sons, or of three working adults.

VI Article.—To those colonists who may make the request, shall be given houses, implements of labor, domestic animals, seeds, and a year sustenance, not charging for these advances more than their real value and 20 per cent additional, besides an interest of 10 per cent per annum upon the sums advanced.

VII Article.—All expenses for the exploitation, survey and division of lands shall be met by the contractors.

VIII Article.—The places of the colonies, drawn by national or provincial surveyors, will be submitted to the topographic department of the province.

IX. The contractors bind themselves to erect proper buildings for the use of arriving families, and for storage purposes: such buildings must also be erected at Trinchera de San José.

X Article.—The lack of fulfilment of this contract will make the contractors liable to pay a fine of \$10,000 dollars, and the breaking of the contract will be dealt with according to the prescription of the law.

XI Article.—After the expiration of four years when this contract will go into effect, the Government will order an inspection to be made of the colonies established by the contractors, and if satisfied that their contract has not been violated in any respect, it will grant definite title-deeds to the contractors.

XII Article.—The contractors will, on every other respect, act in accordance with the National Colonization Law, and with the laws of the Province of Corrientes.

XIII Article.—In case of there being found any plantations of *yerba* in the lands conceded, it is understood that said lands, containing any such *yerba*, are to continue to belong to the State, which may cede them to contractors, but upon the ordinary conditions set forth by law.

XIV Article.—The contractors are exempted from the payment of all duties for the term of six years, an exception being made of the duty paid on the exploitation of *yerba*.

XV Article.—Messrs. Firmat, Napp and Wilcken will deposit a sum of \$10,000 dollars as a guaranty of their fulfilment of this contract.

XVI Article.—Said contractors, or the Company formed by them, shall accredit, at this capital, a fully authorized representative, to deal with the Executive Power in all matters relating to the execution of this contract.

XVII Article.—Let this decree be communicated to the Executive Power.

Hall of Congress, November 12th 1877.—AUGUSTO D. COLODRE-RO, First Vice-President.—JUSTINO SOLARI, Secretary.

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Department of Government.—Corrientes, May 21st 1881.

(GROUP C. NO. 23.)

The President of the House of Representatives, in the exercise of the Executive Power, decrees:

I Article.—The citizen Don Manuel Ruda is hereby appointed Commissioner General for the *yerbales* of the Alto Paraná,

II Article.—Let this be communicated, etc.—FERRÉ.—M. F. MANTILLA.

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Department of Government.—Corrientes, September 26th 1878.

(GROUP C. NO. 24.)

The President of the Honorable House of Representatives in the exercise of the Executive Power, decrees;

I Article.—Don Francisco Lezcano is hereby appointed Commissioner for the *yerbales* of the Alto Uruguay.

II Article.—Don Ezequiel Romero is hereby appointed Justice of the Peace, and Revenue Collector of San Javier.

III Article.—Let this decree be communicated, etc.—FERRÉ.—M. J. MANTILLA.

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(GROUP C. NO. 22.)

The Executive Power, in view of the alarm caused by the Message of the President of the Republic on the occasion of the inauguration of the Session of Congress for the current year, and considering:

I.—That in said Message it is stated that the territory of Misiones is under the jurisdiction of the National Power.

II.—That said statement is contrary to the incontrovertible title-deeds, and contrary to the long possession that this province has had of those territories.

III.—That on such an occasion as this it is the duty of the Government and public authorities of Corrientes to exert themselves to save the integrity of the territory, with due regard to the authority of the President of the Republic. It decrees:

I Article.—The Honorable House of Representatives is hereby called to

assemble in extraordinary session, and to adopt the necessary measures to save, and guarantee the ownership of the territory of Misiones, notwithstanding the measures tending to the same end, that may be adopted by the Executive Power in the exercise of its functions.

II Article.—Let this be published and copied in the book of Government resolutions.—GALLINO.—OCTAVIO GONDRA.

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**The following documents, belonging to this part of the "Argentine Evidence," are comprised in the group C of manuscripts, where they are "in extenso,"**  
• **with the corresponding translations besides each one:**

YEAR 1881.—Decree appointing a collector of revenue at San Javier.

Decree appointing an Accountant-Appraiser at the Receiver's Office at San Javier.

Resolution approving the contract for post mail service between San Javier and Santo Tomé.

Law fixing the boundaries of the Province of Corrientes.

YEAR 1882.—Decree appointing Don R. Roca, Governor of the National Territory of Misiones.

Decree designating the Capital of the National Territory of Misiones and dividing it in five Departments.

Law fixing a period for the amicable arrangement of any boundary questions that the Provinces may have between them sending to Congress the results of their negotiations, etc.

Resolution ordering the registration of the land grant made by the Province of Corrientes in favor of Don José M. Frias, previous to the law about boundaries of Misiones.

Resolution recognizing the grant of two sections in Misiones, made by the Government of Corrientes in favor of Don Daniel Molina, previous to the determination of the boundaries of the said Territory.

Resolution in regard to the lands of Misiones.

Resolution recognizing the grant of two sections of land in Misiones made by the Government of Corrientes in favor of Don A. G. de Fontenelle.

Resolution recognizing the grant of two sections of land in Misiones by the Government of Corrientes in favor of Don Nicasio Puyol.

YEAR 1883.—Resolution approving the contract for the mail service from San Javier to Santo Tomé.

Decree appointing assistant curates and deacon in the National Territory of Misiones.

Decree ordering the contract for the survey of two colonies, each of an area of one hundred square kilometers within the Territory of Misiones.

• Decree prescribing that the mail service shall be performed by the telegraph offices named below.

Resolution ordering the registration of the concession of an area of land in Misiones, contained in the provisory title deed issued in favor of Don Clemente Ferreira.

Resolution authorizing the investment of 3,000 dollars, maximum, in the construction of a telegraphic branch that shall connect the « Puerto Roca » with the telegraphs of Misiones.

Resolution cancelling the concession of an area of land in Misiones made in favor of Don F. Beiro, which he agreed to colonize.

Resolution raising the amount of Rafael Hernandez's fee for the survey of each one of two colonies in the Territory of Misiones.

Decree appointing a clerk for the Office of Receiver and Justice of Peace in San Javier and a rural commissioner for the District of Concepcion.

Resolution approving the contract concluded with Don Pedro Cernadas for the colonization of two sections of land in the Territory of Misiones.

A Decree appointing inspector of forests in the Territories of Chaco and Misiones.

YEAR 1884.—Decree ordering the registration of the title deeds to land in Misiones, issued by the Government of Corrientes in favor of Mrs. Rosa Cáceres de Chaine.

Law accepting the cession made by the Province of Corrientes of the town of Posadas together with the area of land granted by said Province.

Decree appointing Postmaster of the town of San Javier.

Decree appointing first assistant of the surveying commission of the railroad of Misiones.

YEAR 1885.—Resolution authorizing the sale to Mr. Enrique Pech of the lands he now possesses in Misiones,

Decree naming Mr. Vicente Quiroga Assistant Pastor of the Government at Misiones.

Resolution ordering the Department of Engineers to proceed to study the two routes for the continuation of the railroad to Posadas.

Decree appointing Collector of Duties at the Custom House at Esquiva and another of the same class at San Javier.

Resolution and Decree appointing Governors to National Territories.

Decree appointing Mr. José F. Muñel, Inspector of Yerbaes in the Territory of Misiones.

Decree authorizing the grantees of the railroad to Misiones, Messrs. Clark & Co., to commence the work on said railroad.

Decree ordering the final title deeds of ten square leagues of land in Misiones, granted by the Government of Corrientes to Don Ricardo J. Hardy.

YEAR 1891.—Decree appointing a Health Officer in the Territory of Misiones.

Decree appointing Colonel B. Moritan Governor of Misiones.

Decree recognizing the rights of Don José Pinto de Aguiar to acquire 7189 hectares of land in Misiones.

Decree recognizing to Don Leonel de Freitas the right to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Mrs. Lucía Gonzalez de Nascimento to acquire 4,750 hectares of land in Misiones.



Decree recognizing the right of Don Aman Viera Reto to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Don Salustiano A. de Guimaraes to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Don Antonio Caballero to acquire 1,500 hectares of land in Misiones.

Decree recognizing the right of Don Luis M. Carvalho to acquire 7,500 hectares of land in Misiones.

Decree appointing a clerk in the Territory of Misiones.

Decree recognizing the right of Don Nicolás Pereira dos Santos to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Don Augusto Obregon to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Mrs. Luisa Zimmerman to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Don Camilo Valerio de Asuncion to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Mrs. Maria A. de Marsena to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Don José de Sousa Sarmento to acquire 7,500 hectares of land in Misiones.

Decree recognizing the right of Don Francisco Portelles to acquire 3,350 hectares of land in Misiones.

Decree declaring the settlers of the Territory of Misiones included in the benefits of the law of 27th October, 1884, and recognizing the rights of Don José Silveyra Marques to acquire 7,500 hectares of land in this Territory.

Decree recognizing the right of Don Francisco J. de Paula to acquire 3,800 hectares of land in Misiones.

Decree recognizing the title deeds of 25 squares leagues in the Territory of Misiones in favor of Don Francisco Comas.

Decree appointing a Commissioner in the Department of Yerbales in Misiones.

Decree appointing a Collector of revenue at San Javier.

Law empowering the Executive Power to issue title deeds to certain parties, of land in the Territory of Misiones.

Decree approving the contract made with Don Nicolás Picasso by which he is authorized to sell a parcel of land in Misiones.

## **FIFTH PART**

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**1750-1777**

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### **DOCUMENTS**

concerning the antecedents, interpretation  
and execution of the Treaties  
agreed between Spain and Portugal in the  
years above mentioned,  
upon the boundaries of their dominions  
in South America,

and of those agreed between the  
Argentine Republic and Brazil  
upon the same matter in the years  
1885, 1889 and 1890.



1756

**Paper of the Honorable Regent of Buenos Ayres on the matter  
of Boundaries of the Kingdoms of Spain and Portugal  
( Title 8.º p. 42 of the Mata Linares' Collection ) ( \* )**

Father Procurator General Josef Pages :

On the present occasion, in which I have less to do than usual, I will partly satisfy those desires which at various times Your Reverence has insinuated, wishing to know, with some order and precision, the many things that you know already, either in detail or in a general way, to have occurred far away in my ever persecuted Province of Paraguay at the time of the execution of the treaty that the Court of Portugal, by those means and arts at present by no one unknown, negotiated and finally succeeded in adjusting with our own of Spain, in the year one thousand seven hundred and fifty, which has been followed by so many libels on the aforesaid Province, always libelled since it was founded, but never more nor even as much as at the present time. I will relate, then, with a certain order those things of more importance, strictly adhering to the truth on every occasion ; they are as follow :

SECTION FIRST.

Many years before the aforesaid Royal treaty came to light, there were sufficient indications of it in South America, not so obscure but that it could be clearly deduced from them, that Portugal had in view some great claim to

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( \* ) This is a translation from the original document existing in the Archives of the Royal Academy of History which, in a copy duly legalized by the United States Consul at Madrid, forms part of group D, No. 1, of manuscript documents of the « Argentine Evidence. »

those very extensive possessions of Spain, although the exact or precise claim was never apparent to any Spaniard, notwithstanding that one of them, (it was the Father Procurator who brought me from Europe when he was a Provincial, while visiting the misiones of Father Antonio Madroni) stated as far back as one thousand seven hundred and forty, to a number of Missionaries of the Guaraní: that from present indications, the result would be that the Portuguese would take possession of the lands, which are now settled by Indians who four or five years ago had taken possession of all the Territory of the Rio Grande, without a word to show that our Court, which could not be in ignorance of the matter, had resented said clandestine usurpation; furthermore, as the said indications, although very suspicious, were always equivocal, inasmuch as those aforesaid parties ranged in other parts of the neighboring Provinces and in still others further away, as far as the Mojos Indians and their territories, which are situated about nine hundred leagues distant from the Guaraní or Tapes and their Misiones, and in those of the Chiquitos, which are about as far off (the latter are only separated by sixty leagues from the Mojos), the same attention was not paid at the time to the Father Provincial that was paid ten years afterwards when at last the treaty was published, which made plain the large claim of the Portuguese and their crafty work in this business of theirs, which they had always kept in the dark and under cover, and thus secure through the Queen of Spain possession of their conquests in America, (as they say in Lisbon): they give the name conquest to those furtive usurpations of Spanish territory, which they had been effecting even before Spain had a Portuguese Queen, in a more or less cautious manner.

The said indications resolved themselves into an earnest desire, never before observed on the part, of the Portuguese to survey or explore one by one all those territories and settlements of the Spanish Crown. Whenever the aforesaid Portuguese or their explorers and numerous spies were discovered within the territories or settlements of the three said misiones of Mojos, Chiquitos and Guaraní, they were immediately sent back, without permitting them under any pretext (and they had quite a number) to take another step forward or to enter another settlement besides the one in which they were apprehended. The alleged pretexts for their arrival, their travels and incursions into those three countries were of all kinds, and at times they were very ridiculous. Sometimes one came alone or with a woman; another time they were two, three, four, or even more, in a party; once a party of fourteen came into the Mojos country under the pretext that they had gone out of their own lands (they might have said ours) searching for some cocoa forests. At another time a single one, dressed as a friar, went among the Mojos, stating that he was a fugitive from his Province, Misiones of Marañon: it appears that this was the only thing that he alleged in his own behalf, while he demanded permission for a free passage by that route, in order to reach the neighboring Provinces of Peru, and from there through all the intermediate ones to that of Buenos Ayres, and at that port he would take a ship for Europe in order to throw himself at the feet of his Reverend

Father General. Others arrived with similar pretexts of a nature as frivolous as the above, or with crafty and unworthy stories not to say downright falsehoods and lies.

Those that went to the lands and pueblos of the Chiquitos were provided with the same or similar stratagems. In the aforesaid year one thousand seven hundred and forty, several Portuguese appeared in the lands of Chiquitos as traders while in reality they were explorers and spies, although dressed as such. Among them there was one who instead of having a passport to show to the Indians that they met in the country and on the roads, dressed himself in a Jesuit cassock, which in truth served him well, inasmuch as it saved him and his companions from a flogging at the hands of the Indians, and it, furthermore, served them all as a safe-conduct with the Indians whom they first met, who received them with all due respect, and when the one masquerading as a Jesuit told them that he was going to see the missionary Fathers, his brethren, they took them to their town without trouble and up to the very house of the Fathers, upon seeing whom the masquerading Jesuit or wolf in sheep's clothing, confessed to the priest his and his companions sin, asking pardon for thus profaning the cassock and trying to appear what he was not, because his motive in passing himself off as an ecclesiastic, and more especially as a Jesuit, was that he might be allowed, together with his companions, to go through those lands and reach the settlement of Saint Xavier for the purpose of seeing the Fathers and leaving a very handsome ornament for their church to be employed in saying mass, which he had offered in a promise to St. Francis Xavier; in fact, they had it with them, and showed the said ornament to the priest, saying that they both expected his good will, and, furthermore, asked him to use his influence among his Indians to permit them to continue their course without danger, which was to reach the Provinces of Peru and the cities of the Spaniards, on whom they were going to lay out their goods of which they had a good supply. The priest, although they insisted, would not receive their ornament, much less would he allow the Indians to give passage to those gentlemen, neither forwards nor backwards; he even detained them in the same settlement until he had reported the case and received an answer from the Real Audiencia of Chuquisaca leaving them to decide what disposition was to be made of those smugglers, as no one yet suspected in those parts that they were explorers or spies, whether to allow them to continue or to turn them back. The Audiencia decreed the latter, and it was accordingly done in spite of their protests; the said gentlemen were turned back to the place from which they started, the Cuyabá, which was more than one hundred leagues away.

In spite of this solemn judicial and authoritative set back, the Portuguese were not satisfied and they did not desist for an instant in their headstrong endeavor to completely and fully explore the possessions of Spain, and to look over and reconnoitre with their own eyes the cloth which they were afterwards to cut with their new boundary line, and thus they continually employed new stratagems and new explorers by different roads leading towards Chiquitos, some of them arriving there at the settlement of St.

Rafael, at which place the Indians, on their own authority, flogged them in the public square; and they were made to return with smarting backs by the same way by which they had come. It fared no better with others the following year than it did with the explorers of Jericho, and I say so because the Oidor, who is called Superintendent of the Governor of Cuyabá, bitterly complained in writing to the Father Superior of Chiquitos, Bartolomé Mora, in the year forty two, on account of the ill treatment that they had given his Portuguese subjects, simply because the latter had been found on the former's lands, which is something which under other circumstances and on another occasion would not be tolerated, less so at present when there is such a good understanding between the Courts of Madrid and of Lisbon, and he, furthermore, requested him that in the future he should give a wellcome and a free pass to their destination to all those Portuguese who might reach his settlements.

The answer of Father Bartolomé Mora, ( the original is in Madrid ) was, with respect to the first permit, he excused himself on the ground that he did not know what the Indians were doing to the Portuguese in their country, nor whether they had ill treated them or not, nor did he know until afterwards of the flogging. The second petition he roundly refuses to entertain, just as firmly as it was asked, the good Castilian claiming that he was just as faithful a subject of the Catholic King as His Lordship was of the Most Faithful King. And in short, he made the Portuguese give up all hope that either he, his successor in office or any missionary of those misiones would ever give in to those pretensions. The said answer came in the original from Cuyabá to the Court of Lisbon, and from there to Madrid, where I read it. I am well acquainted with the handwriting of the Father who wrote it, and I know that he was a Superior at that time, and he is now a priest at San Josef de Chiquitos, unless he has since died.

Notwithstanding all this, the Portuguese still persisted in their efforts without losing hope of carrying them through, and to that end they added gifts to their petitions and supplications; it appears that in Portugal, as elsewhere, this is supposed to soften the heart, and thus, that which the authoritative petition of a Governor and a Portuguese, which matters much, could not obtain, they hoped to obtain on petition of a rich trader of the same Cuyabá by adding a liberal gift to the petition; and so they despatched not the Superior but a single priest of one of the settlements with a letter full of affectionate petitions and requests from the said trader, at the same time sending to the said priest a long list of goods for the adornment of the church, as he said, as an act of piety, notifying him at the same time that with his kind permission he would soon send some of his servants and carriers with other goods and merchandise that were destined for the Provinces of Peru adjacent to the Province of Chiquitos. Finally the letter arrived, together with the presents; after a number of adventures, the priest, who was no fool, saw through the stratagem and he determined to overreach the trader and his Portuguese. He accepted with a thousand expressions of gratitude the holy gifts for the public worship and for the ornamentation of his church, and

he politely thanked the Portuguese trader who presented them, but, as to the matter regarding the petition and request for permission to let the carriers pass, he wrote to him in a polite, clear and concise form the answer that had been given to the Oidor, or Governor, by the Superior. I have also seen the original of this letter in Madrid, where it arrived by the same route as the other from Father Superior Mora, I am acquainted with the handwriting and also with the missionary that wrote it: he is now at the College of Tarrifa, where I met him and where he frequently discoursed with me on various matters, but never on this particular subject of the trick that he had played on the Portuguese, perhaps because as an honest Castilian he never boasted of it. A Portuguese afterward hoaxed the Governor of Buenos Ayres Don Miguel de Salcedo, I will speak of it later on, and this was known to the whole city of San Pablo (of which I am certain) and perhaps, to the whole of Brazil, I have even heard of it in Europe and God only knows if it is known in Africa along its coasts, and may perhaps have reached Asia and the city of Goa and all the other possessions of the Portuguese.

With the two aforesaid letters there also came to Lisbon two other papers which I saw together in Madrid. One was a note from a missionary Father of the Mojos, señor Josef Ruiter, with whom I had considerable intercourse in Spain before we both went to the Indies, although to tell the truth to Your Reverence, I remember the Father as well as his name but not his handwriting, although it may be observed that it is as foreign as the Father. The object of this paper is to certify that some lazy, idle or vagabond Portuguese that had arrived at the town of Magdalena (wherein he is now a priest, the Father) at which place they had acquitted themselves with the church during the year, and at the end of the certificate, his pen speaking (as the tongue sometimes does) from a full heart, he prayed seasonably and unseasonably that a Portuguese might never come to it. I know not if he addressed this prayer to God or to man, because in truth the Spanish style of the foreigner is not of the most clear or pure. But leaving this prayer aside, the fact is that the certificate of the foreign Jesuit was considered of sufficient importance by the Portuguese to transmit it to their Court, where it certainly did arrive and perhaps was even communicated to that of London as equally interested; and in order that they might both acquaint themselves with the displeasure, not to say aversion and tiredness, already felt by the Jesuit Missionary Fathers, at these continuous Portuguese incursions, carried on since the very beginning of their business, and the very little hope that they gave of ever changing their conduct with respect to leaving a free road to the pueblos or for the English freebooters, as it was hoped might perhaps be by any other missionaries who might be placed in charge of those misiones, and the other possessions of the Catholic King, by the Dominicans, for example, if they were ever taken from the Jesuits, as it was at one time proposed,

And in further proof of the little hope that there was, the second paper was added, which was a lengthy and detailed list of the presents of goods given with the hope of softening the heart of the said priest of Chiquitos, or



of interesting him ; it appears there could be no other object in sending this paper to the Court of Lisbon (it was otherwise useless) except to make the Lusitanian and Anglican Courts think well of the treaty by which it was proposed to remove that obstruction, the Jesuits, who were so prejudicial to the future extension of the Portuguese possessions and to the expeditions of the English smugglers, if they were to continue hand in hand, as they had done up to that time ; it is to be believed that those letters and papers with others from America of which I will speak later on, were very useful to the Court of Portugal in better establishing its negotiations with that of Spain, and for the greater satisfaction of the English, endeavoring, before proceeding to the execution of the treaty, to have them take the pueblos out of the hands of the Jesuits ; to this end they endeavored to render all Missionary Fathers suspicious to our Court, and especially so the foreign ones who customarily leave Spain for the Indies. The Marquis of Valdelirios asserts something of this kind in a chapter of his letter of August the sixth of fifty five, which begins: «The Most Faithful King thoroughly persuaded Your Majesty that he should mistrust the priests, etc.»: this must have been well known to him as he was the first Commissioner to whom this business was entrusted.

And it stands to reason, that if these letters and papers were so carefully guarded and sent to Lisbon, with the same if not greater care, would that information be sent, which the explorers that were sent out by the Portuguese would bring back from their excursions and inroads, inasmuch as on their arrival they were judicially examined in due legal form and under oath, with respect to everything observed by them concerning the projected future Treaty, the consequences that it would have, in times of peace, clandestine or open war, within those dominions which they expected to wrest from Spain in those parts. How to enter and how to leave them, especially those towards the Potosí and the surrounding country? What roads there were, what security, what dangers both in attacking and retreating? How to conquer *de novo*, those parts not given up by the Treaty etc. But particular stress was laid in asking the said spies if they had searched or entered a pueblo or the pueblos of the Indians. How had they been received by the Missionary Fathers of the Company of Jesus? With what degree of pleasure? What aspect they presented on their arrival? On their departure? What had been said to them, and what had they been asked about more particularly? What people there was, their quality and number in each pueblo? Their weapons, and they were even asked if the houses inhabited by them were of straw or other material easy to burn in case of war with them?

All these declarations of the spies were sent from America to Lisbon, of these I have seen a number that passed from Lisbon to Madrid, bound in a folio volume two or three fingers thick, with the back gilt in pretty good style; I noticed at the time that all these declarations were only those taken from the explorers of the region towards Peru from which I gathered that the other declarations referring to the part towards Paraguay and its Misiones (towards which many more explorers had gone) were in some other volume or volumes

apart, for doubtless Alejandro Guzman and Gomez Freire were not careless at Rio Janeiro in collecting them; the latter was the principal promoter of the Treaty in Brazil in behalf of Portugal, as the former was its principal promoter in Lisbon, while Kenne did the same thing in Lisbon and Madrid until it was adjusted, on England's behalf.

. But to return to the explorers and spies, a book as large as the aforesaid would be insufficient to write down all the ridiculous reasons and pretexts they gave when they happened to be found out by the Indians, generally Guaranís or Tapes who usually did not kill them if they surrendered without resistance and allowed themselves to be taken to the pueblo. The one stated that he had discovered his wife in some illicit correspondence with another, one had killed him, another had killed her, and for that reason had run away to the country and cities of the Castilians; another with the same disregard of the truth stated that he had left his house to go into the country, and inadvertently he had gone so far in, that when afterward he wished to return, he did not know the way, and losing himself going here und there he had at last arrived in the possessions of Spain without his knowing it and much less wishing it. There were some among them who accused themselves of having been counterfeiters of money in Brazil and, afraid of being discovered and accused, had saved themselves, before the authorities threw them into jail and hung them. Others again said (for there was a little of everything) that it was through the envy and ill will of the Governor and his peers who thoroughly hated them, because of their wealth, that they left those parts, particularly on account of the Governor's (who in reality sent them) and for this reason they would no longer remain among those people, nor did they wished to remain subjects of the King of Portugal, they wanted to become subjects of the Spanish King, this is all that a Portuguese can say. Others again said: . . . but the falsehoods and tricks were innumerable with which each and every one came provided in order to cheat the foolish Indians, or to dazzle those who were not so foolish.

When there were many in the party one of them, usually dressed as a priest or friar and the latter ready with breviary in hand to begin to pray or to make out that he was praying, on meeting, or being discovered by Indians in the country; for it appears they knew of the respect and reverence which all the Indians and especially these latter had for all priests, and they hoped that out of respect for the one they had with them (whether true or false) they would all be treated with courtesy, and such was the case whenever they employ this stratagem; for in this case the only thing that was done to them was to take them to the nearest pueblo and let its priest decide what to do with them, the latter always decided to make them turn back over the same road that they had come, without ever letting them go on and examine or search through any other pueblo, no matter how much they requested it, or what pretexts they alleged, although in all other respects, during the short time that they were permitted to rest in the pueblo they were courteously treated, and they were given food of better quality than the Indians would have wished; so much so that once or twice the Indians complained without

bitterness to their priest, saying, that it was strange that he should give orders to treat the Portuguese so well, when he well knew how inimical they were and had always been to the Indians present and passed, and the atrocities perpetrated on these by them. To which the priest answered saying that the law of God commanded to return good for evil, even unto the greatest and mortal enemies; and so the kind treatment was continued until they were sent away.

The best thing that these false priests ever did in the pueblos to which they were taken was that they never celebrated mass, nor even tried to, although perchance a feast day occurred while they were there, but they prayed from their Breviaries, or they appeared to do so; to this end they retired to some place where they could be seen by everyone and heard by nobody, doubtless in order that their prayers should not be heard, or that no one should hear if their prayers were in Latin or in Hebrew, or should notice if they held the book properly or upside down. I have not mentioned other ridiculous deceptions of which they were guilty, and by which they might have deceived anybody, as in fact they deceived Don Miguel de Salcedo, Governor of Buenos Ayres, and so very badly that he was induced to order and command in the King's name the seven pueblos of Indians of the Uruguay to give unto one of these lying deceivers as many horses and mules as he should ask of them, together with men, in order to carry away certain treasures which he said he had left behind, hidden in one of the forests nearest Brazil whence he said he had come to live under the flag of Spain, and the Governor gave him a Corporal and three or four soldiers, to escort him up to the very same pueblos, and to help him carry the treasure to Buenos Ayres.

This lying thief and explorer, native of Janeyro and resident of San Pablo, and by name Diego Laureto, had already tried to employ this method with the Indians of the Pueblo del Angel and with its priest, but seeing that they placed no confidence in his treasure, and much less could they give him, men and beasts to fetch it, he endeavored to obtain from them at least a permission to go through to Buenos Ayres in order to interview the Governor; this was also refused, and he was made to turn back with two or three others that accompanied him, who he said were his servants. Nevertheless, in some way he managed, by going through the country and not touching at any of the pueblos, to reach Buenos Ayres, where it was rumored that he had presented the said Governor with a watch and a gold-headed cane. At any rate, the fact is that he deceived him, making him believe in the treasures of the forest, so thoroughly that he obtained from him the aforesaid escort and order, and in consequence thereof ample faculty to enter those pueblos with the Spanish Corporal and soldiers and the other Portuguese his servants who were as honest as their master.

He entered the said pueblos freely, and only asked of them four hundred mules and I know not how many hundred horses, which were given him by virtue of the positive orders of the Governor who so commanded it in the King's name. He did not make requisition for as many Indians to help carry the fictitious treasures, but still he took a sufficient number to drive

the horses and mules as far as Brazil ; continuing the deception, he began to leave the Corporal and soldiers given him by the Governor, together with the Indians, in the following manner: to-day he left at this place one Spaniard and 60 Indians to look out for any one coming from Brazil in his pursuit, and to make them turn back without letting them come near the Misiones. The next day he would leave another Spaniard with as many Indians on this or a similar pretext, another day the Corporal, and finally all the Spaniards and Indians, except three or four who were driving the herds of mules and horses, and finally when he found himself ten or twelve leagues away from the last party that he had left behind, awaiting his return with the horses and mules laden with gold; he and his servants began to shoot at the three Indians with their arquebuses. The latter ran away at the first shot, and he and his men continued on their way, with the robbery of the horses and mules, which on reaching Brazil were worth many millions of dollars, and the Spaniards and Indians, who had remained behind awaiting the return of the Portuguese and his treasures, returned empty handed and without mules or horses, the Indians to their pueblos and the Spaniards to Buenos Ayres, where they gave an account of their expedition to the Governor who had sent them on it, which in short was as above related; Diego Laureto and his men returned to San Pablo, with the property of others, and they told every one of the stratagem employed by them in cheating the Spanish Governor and his soldiers and in taking the property of the Indians.

It was soon known over the whole city of San Pablo, and its Governor, Don Fulano Mascareñas, threw his great explorer and greater deceiver in jail for a number of days, but apparently he soon set him at liberty, without making him return the plunder, for up to date the Indians are without their horses or mules, and with their lands and pueblos thoroughly searched and explored by the Portuguese of Brazil, who, notwithstanding all this, ceased not to explore by means of this and other stratagems, from the year 40 up to the year 50, at which time they had received such complete information of all the territory of the future survey that, they made the full map which was afterward signed by the Kings in the adjustment; after the map was made, it was observed that all incursions of idle Portuguese ceased for good, and almost at the same time, negotiations with great earnestness were begun at our Court for adjusting the Treaty; in this they finally succeeded about the beginning of 1750.

#### SECOND SECTION.

On the conclusion of this and other preparations for the said Treaty to the full satisfaction of the Portuguese, who through their spies had explored all that country making the aforesaid map of it, in which they had already marked at their pleasure, the places, mountains and rivers through which the new line of demarcation was to take its snaky way, which gave to Portugal more than 500 leagues from East to West and as many more running from North to South. besides what was furthermore given it by the Line of Alexandro and the Treaty of Tordesillas, six or eight days before the signing of

the Treaty at Madrid, Our Most Reverend Father General Francisco Retz wrote from Rome (doubtless on request from the Court of Spain) on the 6th of January, to the Father Provincial of Paraguay Manuel Querini (whose secretary I happened to be), charging him first with keeping an absolute secret everything communicated by the said letter, which was as follows: that at Madrid by the two aforesaid Courts of England and Portugal, all efforts were being employed to induce the Court of Spain to cede in favor of Portugal the seven Guaraní or Tape pueblos that were situated East of the Uruguay river, together with all their lands and jurisdiction up to Brazil by which they were bounded, and that he communicated this to him only in order that he might devise, together with the other Jesuit Missionaries, some way of palliating the terrible blow to the Indians which was now so near impending, and some method to induce them to cede without resistance their pueblos and lands to the Portuguese, while they were to go to some other lands remaining to Spain nearer the sea; finally the letter said that by the Royal Decree our Catholic King only concerned himself (as in truth was that fact) about the spiritual wellbeing of the Indians, and to prevent them from being led astray from the True Faith and Religion by those heretics from Europe and its northern part, who traded and do trade with the said Indians in the pueblos by them inhabited at present. The closing part of this letter made two things perfectly clear, one was that the Father General did not speak for himself, for he could not but be well aware of the fact that the said trade was entirely and completely fictitious, and that he merely wrote what he was commanded to write, the other, how the Most Faithful Court had so misinformed our own, who trusted only to that information in so important a matter, that might have such dangerous results if the information were incorrect; our Court did not request any from anyone of her faithful vassals that it had in America, while in cases of incomparably less consequence (for example to consent to the establishment of a poor Franciscan convent) it usually asked not one but very many reports from the cities, the Councils, the Governors, the Bishops and even from the Audiencias, asking if it was or was not for the benefit of the Royal service and for the welfare of His Majesty's Royal possessions; advantage was taken of his great piety by those who gave him information, setting forward this spiritual matter merely to obtain with greater certainty their temporal ends; in fact, abusing everything sacred and profane in order to obtain their ends, in the same manner that over there in the Indies they masqueraded with the same object in view, as friars, ecclesiastics or as Jesuits, as best suited their purpose as aforesaid.

For the purpose of giving this and similar information to our Court, we knew over there, with certainty, that during many years there was at our Court a certain Friar, in reality sent from Lisbon, although in another apparently different character, to the Queen by her father Juan V, advising her to receive him as often as she well could; she did so, and with such caution, that at the time in Madrid it was merely noticed that he was very frequently received by the Minister Señor Carvajal, but every one, although noticing, never suspected thus that he would deceive the Minister as well as

the Queen, and both thus be deceived, they arranged matters so that the King yielded everything claimed by Portugal, which he did, and the Friar returned to his own Court. In the year 48, while at Lisbon, Father Ladislao Oro, Procurator General of Paraguay hearing of the stratagem of the Friar's residence, and showing astonishment thereat, he was answered by the Portuguese who was relating it, referring to this, saying: «But, Father: if now that we have a Portuguese Queen in Spain we do not secure our conquest, when are we to do so?» The Portuguese call conquests all those lands which they have been clandestinely taking from the Spanish Dominions, which we in usual parlance, term furtive usurpations.

But to return to the deception of the Reverend and devout informing Friar, or to any one else who invented it at our Court, even if it were true, and not a falsehood, that the said Indians were in peril of being led astray by the heretics of the North by means of such commerce, even if these did exist, as the King, and perhaps the Queen and their Ministers believed, and not really fictitious as was well known to the Portuguese who gave the information, even in this case it was evidently clear that the measures taken, by bringing the Indians nearer to the sea, was entirely opposed to the ends in view, for they were thereby brought nearer to the sea and to the three ports of Buenos Ayres, Colonia and Montevideo where the heretics, and those who were not, must necessarily land those goods that are taken from here, as there is no other place to go to; therefore, by the change of residence decreed, the dangers to the Indians were increased, for if, notwithstanding the fact that the pueblos where 150 leagues away from the sea, the heretics still maintained trade with them, they would more easily carry it on being only half as far away, or perhaps even in the sea coast itself, inasmuch as this was not prohibited to them, always providing they settled on lands belonging to and remaining to Spain after the execution of the division of the Boundaries

The truth is that there never had been such commerce, nor could there be in view of the distance from the sea and the impossibility of the roads and the obstacles they presented, as they were such as could only be overcome by the great efforts of the two Courts and their generals at great expense, as was afterwards seen when their armies arrived at the said pueblos to take possession of them and to exile their inhabitants, for on the part of the latter there was another obstacle, an insuperable one, for having, or ever having had the said commerce, it was that neither those Indians in particular nor their pueblos in general had, or ever had had, any gold or silver, coined or in bars nor of any other coin, because there is none current among them, and the same is true of all the jurisdiction of the Governor of Paraguay, inasmuch as it is well known that the heretic and other merchants only go to the Indies in search of the said metal or their equivalent that can be sold in Europe, nor have these Indians that equivalent; their wealth consists merely in what they call *caamini* and the Spaniards *Yerba del Paraguay*, (Paraguay grass) for which there is no outlet or use in the the North or in any other part of Europe: and so, what possible commerce could the heretics of the northern Nations carry on with those Indians? And where is the danger that

the former may lead these Indians from the True Faith or Religion as claimed by the giver of false information at our Catholic Court ?

To which may be added that if the reason for taking the Indians away from those pueblos was the fear of their being led stray from the Faith, the same or even greater peril threatened the other eight pueblos situated on the western shore of the Uruguay which was to serve as boundary in those parts between the Spaniards and Portuguese, and as those that were to remain in the seven pueblos taken from the Indians, will undoubtedly trade with the heretics of the North and the heretics with them, exactly as they trade in all Brazil fully and freely, without our never knowing that it has occurred to the delicate consciences of the givers of information that the heretic traders may lead their Brazilian Indians from the Faith, nor do I think that it will ever occur to them, although self evident to any Catholic; and there was then even less danger to those of the Uruguay (as also to those on both sides of Paraná) on account of the proximity of the seven pueblos, than when once they are peopled by the Portuguese and the heretic merchants; and so it ought to be necessary, for the same reason, that all should move toward the sea or to some other locality further away not only from the heretics but from the Portuguese merchants, and even if they carried on no intercourse with each other; for it may be doubted if the Portuguese by their immediate proximity and neighborhood may not be more detrimental to their customs and in their fidelity to the Catholic King, than the heretics to their Faith and Religion, who now usually care very little for them. At any rate they do not care for them, as much as the Portuguese care about adding to their own Brazil new vassals from the possession of the Catholic King, as demonstrated by experience before and after the war. But we have better leave the matter.

Two months after the Portuguese published the Royal Treaty, and as the Father Provincial was unaware of the above and other points, even before he received the letter from Rome, he thought the news proclaimed by the Portuguese of such importance, that he sent from Córdoba de Tucuman to our Court a Father Procurator, as Attorney of a lawsuit which the excisemen of Buenos Ayres had against the Indians. The first and especial instruction that he gave him was that he was not even to mention at Court one word with reference to the Treaty of Exchanges, because it was gathered from the secrecy observed in concluding it, and from the tricks employed in adjusting it, that the mere mention of the matter would be the signal for him to leave the Court, thus preventing him from carrying out the business on which he was bent. With these instructions, he left on board a Portuguese vessel which landed him and a number of other Spaniards at Rio Janeyro, whence as I will relate, he was not permitted to go by Governor Freyre, suspecting or believing that he was coming to Madrid in order to upset his Treaty. The Father Provincial about this time left Buenos Ayres for the Misiones with the aforesaid letter of the Father General, to put into execution his commands without delay, for he was told in it, that he should immediately begin the endeavor to soften, the Indians as much as possible, the early coming terrible

blow, and from so powerful a hand; and he went in the moral certainty that those givers of information who had deceived our Court so thoroughly, about a matter so evidently false as the commerce and intercourse with the northern nations, must have also deceived it in other matters, even in those of the greatest importance in the Treaty: for with regard to the others, concerning the Indians and the Misiones, it was to be presumed, and partly seen in the ideas current in Portugal on one and the other, explained in the maxims and axioms, of its *Relacao abreviada da Republica*, already qualified and declared judicially as many false calumnies, thoroughly and notoriously known to be in opposition to the truth, as is proven by the principal ecclesiastic and secular authorities of Santa Fé de la Vera Cruz, one of the nearest cities and which they frequently visit.

The Father Provincial left without making further inquiries and on the road he met another confirmation of the truth of the Treaty: a letter overtook him from Buenos Ayres, whereby he was notified of how the Governor of Janeyro, Gomez Freyre, offered no objection to the other Spaniards sailing for Spain on the Portuguese vessel in which they were, while he had been so desirous of preventing the Jesuits from going in it, that he had made him turn back in another vessel, under a warrant which he obliged to sail from Janeyro for Colonia, when only half laden, because he said that the Castilian Father was going to Madrid to spoil his great Treaty: for which purpose he also alleged, he had three million dollars, when in fact as he could have found out for himself from the papers of the said Portuguese vessel, the Castilian Father only had for expenses both ways and for the cost of the lawsuit \$3,000, and this was called \$3,000,000 by the Governor.

On the day of our Father Saint Ignatius, of that same year fifty in which the Treaty was signed, the said Freyre, while in attendance on the Feast had said in public to the Portuguese Fathers of Janeyro: Well, Fathers: I have already concluded my great Treaty at Madrid and it is so far advanced, that only Your Reverences could spoil it or prevent it. "We, said the Fathers, spoil something so useful to our Portuguese nation? Your Lordship may rest assured that it will not fail because of us;" hereupon speaking more clearly he added: "Not you here, but those of you in the province of Paraguay; but in order to avoid it, the proper measures have been taken;" which were those herein after stated. To prevent the Castilian Father from getting to Madrid he took those above indicated, and he took them so thoroughly that he would not yield to any one of the many requests made by private parties, which have come to my knowledge, asking him to give the permission allowing him to go to Bahia, in order to see the Viceroy, and another to continue on his trip to Madrid, if the Viceroy so determined it, far from paying attention to this just request he placed a fine of 30,000 cruzados on any vessel that should carry away the said Father from that port, unless it was to the province of Paraguay, or to the Colonia, and a like fine on any one taking him overland. On or about this time of the arrival of the Castilian Father, Freyre had already enlisted in Janeyro two thousand soldiers, for carrying out the execution of the Treaty. It is true that they could



not be very serviceable, for among them there were many students of our colleges. Finally he ordered the vessel carrying the Father to sail immediately, even if only partly laden, because he said there was no repose for him while the said Castilian Father remained there, the Father was left by the vessel at Montevideo.

With the full knowledge of this Treaty we arrived at Misiones, where nothing was known concerning it, whereupon the Provincial informed all the Missionaries (they were more than 70) of the news that we carried, which was rumored over the whole province. He began to consult with them regarding the immediate steps that should be taken in order to make the Indians take kindly to the aforesaid change of residence to whatever points might be decreed by the Court, and though the Father Provincial was sufficiently experienced in the ways of the Indians, because he had lived among them many years, after studying as many more in our University at Córdoba de Tucuman, from the very beginning he was of the opinion that it would be easy to persuade the Indians, not only then, to the said change of residence, but also when the time came to make them leave their pueblos and lands to the Portuguese, while they searched for others wherein to found their pueblos, notwithstanding the apparent hardship involved. Perhaps he said this in order to keep up the courage of the others; but, in spite of the positive assurance of the Father Provincial, all the others were of a different opinion and we thought that it would be absolutely impossible to persuade the Indians, notwithstanding that if we could not persuade them all to do so, or even the larger number of them, which we knew to be impossible, nothing would now be gained by persuading one or even a certain number, because in view of the volubility and inconstancy of the Indians and the hardship of the command, one and all would say no when the time came for carrying out the said removal, with the same ease that they had before said yes; and besides, although some might not say so independently, when they saw the resistance offered by the others, which would certainly be the majority, they would of course accomodate themselves to it; and finally, if a number did move, if all did not move, it would amount to the same thing as if none had move, because in this manner the Indians did not move away from their lands, nor did they leave them to the Portuguese, but some would and some others would not; and even if we grant the case, which we do not, that they all say yes, that they would move at the appointed time, when the time arrives for carrying it out the majority will certainly have change their minds, and would say that in spite of having said yes time and again, at the present time they did not want to move. All this could be easily confirmed by a number of experiences, some of them so recent that all of us, the Father Provincial himself, and another who never followed but his own opinion, had witnessed what took place at the division of the pueblo of Loreto, and the moving of San Cosme, of which I will speak hereafter.

The Father Provincial and the other Father who agreed with him, who was called Father Carlos Tux, Priest of San Nicolás, who never succeeded, in spite of all his efforts, in getting a single one from that pueblo to move, re-

peated that in spite of all these difficulties and others which they could see and could not deny, they still had faith in God who would cooperate with the persuasions, prayers and requests of the Missionary Fathers, in changing the minds of the Indians, and making them move away, but this hope was grounded on nothing else besides their piety, they were unable to give any reasons or experiences for that hope; unless God effected a miracle or a number of them totally changing the mind or character of the Indians, and so the two remained in their pious opinion, and all the others were of opposite and better founded opinion; some of them even believed that it would be easier to persuade the Indians to remain in their pueblos and lands, if the Treaty permitted it, together with the Portuguese, than to make them moved to others, if there were any, for this was another and not the smallest of the difficulties, which immediately occurred to us all, and that was, are there sufficient unappropriated lands towards the sea, for the Indians of the seven pueblos to move into and settle thereupon? It is probable or almost certain that there are none such, and so it was found afterwards, and it was so asserted at the time by a number of the more practical Missionaries of those territories; and all of us, including the very same Father Provincial, knew that during the last two years search had been made in the direction towards the sea for some land on which to settle a part of the pueblo of Yapeyú (which it was found necessary to divide because they numbered 1,600 families) and none had been found in those parts, and finally it had been necessary to take others that were thought unsuitable, the same thing occurred with regard to the pueblo of San Francisco de Borja: and it is self evident, that if it had been impossible to find suitable land for a part of one pueblo much less could it be found for the entire transportation and settlement of seven whole pueblos so large that they contained 30,000 souls.

In view of all these obvious difficulties the Father Provincial by an unanimous vote of all, including his own and even the vote of the Priest of San Nicolás, resolved that for the time being nothing should be said to the Indians, until the precise moment of the arrival of the King's commands, because the announcement of the fatal news would do no good, and would only tend to disturb and excite them without benefit to anybody, and because there was little hope of inducing or persuading them to move either at present or afterwards, it would be better to make the announcement to them suddenly, without giving them time to think it over, and it might then be easier to make them execute the commands, without thinking of the inconvenients and injuries that must inevitably follow, for the same reason the Father Provincial gave orders that if by chance the said news of the Treaty should be disclosed to them by some means, the Missionaries should endeavor to quiet them, assuring them that, although the Portuguese had spread the news among the Spaniards, no decree had yet been received from our Court: and a lad who had come from Buenos Ayres with us, was strictly charged to say nothing of what he had there heard concerning the Treaty; it was thus kept entirely secret from the Indians until the precise moment arrived, when they must necessarily be told of it, and this method met with the success that

we will see, because they were not given time to think it over.

After the conclusion of the consultations held on this temporizing, and in every respect risky subject, our Very Reverend Father General was informed that with regard to what was expected of the Jesuits, which was merely to persuade the Indians to be resigned to every thing, and to obey promptly the King's commands, which might arrive at any moment, the Most Reverend Father might rest assured that they would do all in their power (if there were any suitable lands) to make the Indians move to the lands towards the sea as decreed by our Court, and they were so notified through the very Reverend Father, and he was so answered because we were morally certain, that there were no Government lands towards the sea, because the good lands were the property of a number of private parties from Buenos Ayres, Santa Fé, Corrientes and Montevideo, who had bought them or which the King had given by grants, and the remaining were such that not one of those Spaniards or any others would take them even as a gift, and to these lands it was proposed to send the poor Indians to settle upon them, and to leave their own to the Portuguese. The secret regarding the Treaty could not be kept, because even before the Father Provincial received the letter, it had been disclosed in all the Portuguese cities of the Rio Grande, Janeyro and of the Colonia.

The Father Provincial informed the Viceroy of Peru, as a piece of news already public property, that the matter of the conclusion of the Treaty between the two Courts was absolutely certain and unavoidable, at the same time insinuating the injuries thereby ensuing to the possessions of Spain, to the end that His Excellency, in view of this information, should undertake to undeceive our Court; this he really tried to do, though to no purpose; in fact, the Viceroy rather injured than improved matters by this report, for whether it was because of it, or because the matter had been decided before, the Viceroy was prohibited from interfering in any way with the execution of the Treaty, except in advancing to the Marquis de Valdelirios whatever money he might ask of him for the said execution, which is to take precedence over every thing else including the Viceroy himself, and which no one was to obstruct or delay in any way; this shows how secure the Portuguese were at our Court.

At the time that the Provincial wrote to the King, another Father Josef Quiroga wrote to the Minister, setting forth 15 or 16 inconvenients or injuries of very grave character that would result by the said Treaty respecting only those provinces neighboring on Peru. This Father did not know and neither did we know that the whole business had passed through the hands of the Minister; in fact, we all supposed that it had all been done at our Court by very different hands, without the knowledge of His Excellency, because no one believed, or even suspected, until his signature was seen thereon, that a Treaty so prejudicial to Spain had been adjusted at our Court with the knowledge of the Minister, who received the aforesaid objections in such a manner that, on transmitting them to the Marquis de Valdelirios just before on the point of embarking at Cadiz, he wrote: I remit to Your Excellency

these fifteen or sixteen objections which do not amount to anything. This show how much the good gentleman was deceived and how well the information of the Portuguese had deceived him. He did not even answer the Father, whereas on other occasions he had thought him worthy of an answer and even of writing to him concerning other points of interest to the monarchy in those possessions, as for example, when in view of his knowledge of mathematics and especially of geography, he entrusted him three years before that, with the expedition to Magallanes and Puerto of San Julian.

The visits of the seven pueblos and the others having thus ended, Father Querini also finished his duties as Provincial at the unexpected arrival of his successor Father Josef Barrera, of Lima, and not of the Province of Paraguay. At the time the mystery involved in that novelty did not transpire, nor the reason why none of the three proposed from the Province had not been appointed from Rome, nor any other member thereof. This was a strange occurrence, especially in that Province where the like had never happened before, nor was the reason known why it should then occur; but in Madrid there was cause sufficient, and for much more, although we were completely ignorant of it: it was none other than the mistrust that the Portuguese had disseminated, besides their other false information, in order to obtain their treaty against all the Jesuits in Paraguay, and more particularly against the Missionaries, and especially so, against those of foreign birth, as we found out after the arrival over there of the Royal Commissioners, and it is clearly insinuated by Valdelirios in a letter of August the sixth, one thousand seven hundred and fifty five, in which he says to Father Provincial Barrera: «The Most Faithful King has persuaded our Sovereign that he should mistrust the obedience of the priests, His Majesty never gave the matter his attention in order to save their honor, etc.» But although His Majesty did not, it seems that those who were near his person did pay attention thereto, among others señor Carbajal in a letter written in fifty three says to the Father Commissioner: «The Crown of Portugal is already throwing in the King's face, that he would not believe that the resistance therein encountered was the result of the Company's decision.»

The fact is that in carrying out the treaty the same extraordinary means were employed that would have been employed if attention had been paid to that calumny, for after the treaty was concluded and signed, on the Minister inquiring who is the present Provincial of Paraguay, on being answered, Father Manuel Querini, he said with a start: «Querini? He is a foreigner.» Accordingly the Minister took other and better measures, and although it was stipulated in the treaty, that it was to be in force in one year, he delayed two years in sending the Commissioners who were to carry it out, or until the end of fifty one, or exactly until he had finished his term as Provincial; meanwhile he arranged matters in such a way at Rome, that no foreigner should be appointed Provincial, nor any Spaniard of that Province; this was followed to the letter at Rome by appointing Father Barrera, strictly enjoying his holy obedience to accept the charge and in case he were dead or unable for any reason to discharge the duties of his office, a substitute was

appointed from the same Province of Lima, and no one from Paraguay, not even in case of death ; so desirous were they of pleasing and obeying the Crown of Portugal.

And as neither one nor the other felt assured that we of the Province of Paraguay would obey, because of the mistrust that the Portuguese had spread about us, the Father General appointed as his Commissioner to that Expedition, Father Lope Luis Altamirano of the province of Andalucia, well known to the Prime Minister of Spain and having his entire confidence, because he has seen him and had had intercourse with him, a number of years before, at Madrid, to which place I know not if the said Father went by chance or on purpose, and remained a certain time. I have some reason for believing that neither the trip nor the residence thereat was the work of chance, at least so far as concerns the Minister, because at that time the treaty was already spoken of.

Our Father General gave this Father Commissioner all the power necessary to deliver the seven pueblos and their lands which Spain ceded to Portugal, and also those necessary to deliver the other three pueblos to the same Portugal, of the Mojos or Baures and Mianas. And so the said Father ranked higher not only over the missionaries but also above the other Jesuits of Paraguay, Peru and Quito, and also above the Provincials themselves ; and furthermore, in case the Father would not or could not go, two others were nominated, also Andalusians, Montes and Maestre, in his place, but it was not necessary, he went to discharge his duties and took as a companion another Andalusian Father, and to the latter were given from Rome the same power in case of the death or the inability of the former, and both were empowered to appoint as substitutes in their place any one they chose.

All this and much more was needed to satisfy in some way the mistrust that the Most Faithful King had succeeded in raising in our Sovereign and his Court about us ; the Court would not agree with that of Portugal regarding the pretensions of the latter that we should immediately, and instead of taking the above precautions, be deprived of the Misiones, as Portugal afterwards deprived its own Jesuits of the Misiones of the Marañon, but our Court would not agree to this unreasonable act, nor would it heed in this matter the Court of Portugal, the English who sided it, as equally interested in the treaty through its Ambassador Keene, who, as it was noticed during the time the treaty was most discussed, was constantly going from Lisbon to Madrid and vice versa, although the true motive of his trips did not transpire, but, after the secret of the treaty was discovered, it is easily believed that he was engaged in promoting it in view of the many advantages accruing to his Court by extending its commerce to all those southern Kingdoms and possessions of Spain: Tucuman, Paraguay, Chile, Peru, Quito, Nuevo Reino and Tierra Firme. But be this matter of the English Ambassador's trip as it may. The new Provincial of Lima entered on his duties on the 8th day of December 1757 and during the beginning of the following year, a letter arrived from Rome in which the Father General said that inasmuch as the Royal Treaty on the new boundary line had been concluded between the two Courts,

and as the Royal Commissioners of Spain were ready to sail from Cadiz who were going to put it into practice : therefore he imposed on them the precept of holy obedience on each and every one of the Jesuits of that province, not only that no one, neither directly nor indirectly should oppose the carrying out of the delivering of the pueblos and lands that were to be given up to Portugal, but that each and every one should absolutely cooperate in it, and in order to expedite its delivery, the Father Provincial was commanded to immediately go to the aforesaid pueblos and lands of the Indians, and to promote, with as much diligence as promptness their transmigration to the other territory remaining to Spain, and, if it were possible, to make the said changes of residence so promptly that it might be over and done with before the arrival of the Royal Commissioners of Spain, who were ready to sail from Cadiz, and before the arrival of the Portuguese who were then in Brazil.

He was also told that in case that, he could not go himself to the Misiones to execute his orders, he was to send or appoint trustworthy persons whom he was to empower to carry out the business; and finally, as this letter was sent open to our Court or to its Prime Minister although against our usual custom, he was very prudently offered the corresponding reward for the successful termination of that which was so earnestly entrusted to him; therefore the Father General himself said that if it were possible he would like him to execute it all personally. But the Father Provincial, first arrived from a trip of two leagues over which he came from Lima to Córdoba del Tucuman where he received this letter, on account of the fatigue of the journey, his great age, and his consequent slight ailments, could not personally go to the Misiones with the desire promptitude ; and thus in order not to delay the business for an instant, in fact, in order to accelerate it the more than he would have done if he had gone in person, he immediately sent an express or post, appointing for its execution in his place the person best fitted for the case, who was Father Bernardo Meisdefer, at present Superior of all those misiones, and which place he had filled before, he became Rector of the College of Santa Fe and Provincial Prebost of the whole province, being an expert in languages to the highest degree, and what was more to the purpose, also in the matter of Indians, and much beloved by them, among whom he had lived more than 35 years, and had been Priest of two of the seven pueblos a number of years and temporarily in every one. I go into all these details so that it may be seen who it was that the Father Provincial appointed, because as he was a recent arrival in the province he was not acquainted with any of the missionaries, except by the information that he was given unanimously by all the parties consulted, and to show the sincerity with which the Jesuits of Paraguay proceeded to cooperate in the spontaneous and peaceful transfer of the Indians, and to the delivery of their pueblos and lands in the execution of the Royal Treaty, notwithstanding the suspicion and the distrust in which we were held unknown to ourselves.



1755-1760

**LETTERS**

**from the King of Portugal, the Marquis of Pombal and the Count of Unhao, upon the cancellation of the Treaty of 1750. (\*)**

Don Joseph, by the Grace of God, King of Portugal, and of the Algarves, and of the seas at both sides of Africa, Lord of Guinea, of the conquest, navigation and commerce of Ethiopia, Arabia, Persia and of India. etc., know all who this, my Letter patent, may see, that there being a perfect knowledge, between myself and the Catholic King, my good brother and brother-in-law, by a long series of repeated and successive experiences, that the treaty on boundaries of the conquests, signed at the Court of Madrid on January thirteenth of the year seventeen hundred and fifty, and all the other conventions which were concluded afterwards between the two Courts, with the same object, instead of removing forever the occasions for altering the peace and harmony between both Courts, and the good understanding among the vassals of the same, the said principal treaty, as well as all the others accessories and additional ones which were stipulated, and the repeated resolutions which were taken in the interest of mutual friendship and good faith of both Courts, have, on the contrary, served to waste time in discovering events diametrically opposed to the essential ends above named, causing ill feeling and controversy among the subjects of both nations. And it having been agreed, in view of this conviction, by mutual consent, that the said

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(\*) These are translations from the original documents in possession of the Count of Verdigueira, now at Lisbon, who allowed the Argentine Consul to draw from them the copies herein translated. These documents, and the map appearing in a copy among the charts presented with the "Argentine Evidence," are not exhibited in the originals on account of the exaggerated demands of the owner, who asked for them no less than £12,000.



principal treaty of January thirteenth of the year seventeen hundred and fifty, shall be cancelled and annulled, as well as all those which were celebrated upon the same subject and its dependencies thereafter; and that all other treaties, pacts and conventions which had been celebrated between both Crowns, prior to the said year seventeen hundred and fifty, shall be restored to their former force; trusting in the honesty, zeal and judgment and other qualifications of Don Joseph da Silva Peçanha, my Ambassador Plenipotentiary, presently at the Court of Madrid, who, in this matter will give me entire satisfaction, I do appoint and constitute him by this present letter, to confer with the person whom the Catholic Majesty may legally appoint with similar power, to stipulate, conclude and to sign, for my part, a derogatory treaty of the said Treaty on Boundaries, signed on January thirteenth, seventeen hundred and fifty, and of all those which might be concluded thereafter, renewing and restoring to their primitive force all other treaties, facts and conventions which had been celebrated between both Crowns prior to the said year seventeen hundred and fifty. For everything in connection with this matter, I grant to the aforesaid, my Plenipotentiary, all the authority, power of Attorney, general and special, pledging my faith and word of a King, to acknowledge as firm and valid all that he may agree, stipulate and accord, and to ratify the same when convenient. In testimony whereof I caused this Letter to be issued with my hand and the large seal of my arms, at this Court of Belem, on the twenty-seventh day of October of the year of the birth of Our Lord Jesus Christ, seventeen hundred and sixty. (Large seal of the Royal Arms.) Signed I, THE KING—DON LUIS DA CUNHA, GASPAR DA COSTA POSSER.

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**Copy of the autograph letter from Sebastiao Jose de Carvalho e Mello (Marquis of Pombal), addressed to the Count of Unhao, Ambassador of Portugal at Madrid, dated June 27th, 1755.**

Most Illustrious and Excellent Sir :—The letter which I have written to Your Excellency on the 24th and 25th instant, and the one of this date, are the most conclusive answers that Your Excellency can give to the question of Her Majesty the Catholic Queen as to *whether we desire to cancel the treaty.*

The King, our master, does not, certainly, desire to undo it. But the clergymen of Paraguay, the Marquis of Valdelirios, and the Governor of Buenos Ayres do want it undone, as is proven by the facts referred to in the letters above-said.

As far as their contents are concerned (and even that of the 25th) I agreed with the Count of Perelada, that everything should be communicated to the Queen, so that she would inform her august spouse, without the intervention of any Minister, on account of the allusion to the Fathers of the Order, until their Catholic Majesties shall be pleased to order anything to the contrary.

Circumstances being rather critical, it is necessary that Your Excellency shall inform me what His Majesty can expect from said lady, in this respect, and in everything appertaining to this serious matter, and how far her influence upon the Ministers at that Court can reach, or does she intends to utilize them.

Under the present circumstances, the King, our master, thinks that the most advisable policy would be that which I mention in the enclosed letter. But unless Your Excellency sees a good disposition, any attempt in this direction would be untimely. In view of which, Your Excellency ought to be prepared, keeping in mind the said plan, to be made use of in proper time, holding the said letter in the meantime.

Your Excellency can show the most secret ones to the Catholic Queen, assuring her that the King, our master, does not ask for, nor wishes, the punishment of such men ; but only that his august sister, and his august brother-in-law, feel convinced that it will be hardly possible to send Commissioners in his place who shall not, within a short time, be spoiled either by intimidation or by bribery.—Lisbon, June 27th, 1755.—SEBASTIAO JOSÉ DE CARVALHO E MELLO. To the Count of Unhao, Joa Xavier Telles.

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**Copy of the answer to the notes of 24th, 25th and 27th of June, 1755.**

Upon receipt of Your Excellency's notes, I caused the enclosed letter to be delivered to the Queen, asking her Majesty if she would grant me permission to communicate to her an affair, and herein I send her reply, and another letter which I received afterwards, to Your Excellency, for perusal ; and as I understand just what Her Majesty meant, I did not go to the place without asking permission to do so. Therefore, I expect that you will come over to this Court, so that we may begin to talk over this matter, as Your Excellency orders me in his letters, and I shall keep him informed of everything that may occur. For the present, I shall only say what I know about the informations with regard to the influences of the Queen, and everything connected with this matter, although I had made up my mind not to speak a word on this matter, for reasons not unknown to Your Excellency. In order not to give occasion for doubts as to my veracity, as my information might perhaps differ from those very reliable ones which Your Excellency claims to have, and in order that it shall not be understood that I was or am prejudiced, as Your Excellency already has told me, I would abstain from talking ; but it being a command from the King, our master, I do say that :

From the influences of the Catholic Queen much can be expected, because Her Majesty is absolutely the mistress of the whole Ministry, for all the Ministers having some part in the Government (except the Confessor, of whom I shall speak later) do not do anything without first informing her, and before they talk to the King, who is always in the presence of Her Majesty who receives the first information upon any matter. In the estimation

of her husband she stands as she always stood, very high, though owing to her character she sometimes gives him some annoyance.

The influential power of the Confessor amounts to little, and he would have been by this time out of his charge, but for the excessive kindness of the Queen: the King has asked her already if she wanted him to be dismissed, and she replied that he was the only one who could take such resolution, and she could not give any advice in the matter. She afterwards told me that she had said so, fearing that the King having occasion to remember the Confessor might say that he had been sent away. This priest has no influence upon the King in American affairs, because he is looked upon with suspicion, but his old power lasts with him no longer, although his orders are respected and greatly trusted. This Ministry, with the exception of the Secretary of Indies and the Navy, is opposed to the Father, and to all that is being done in America by the Castilian Commanders.

Although everything I say is true, I am afraid the Catholic Queen will take upon herself to persuade her husband into cancelling the treaty, for many reasons; firstly, because Her Majesty is very earnest in this negotiation, probably because she has initiated it, or because she thinks it to be convenient for both Crowns; secondly, because she will fear the stubbornness of her husband, who is very delicate on certain points; and it is in keeping with his character to doubt as to the expediency of undoing what has been adjusted, and to think that it is not becoming to step back from the war he has begun without first subduing the Indian rebels; thirdly, because the opinion of some of these Ministers is to push on the war until the Indians have surrendered. This opinion I heard some time since from Don Ricardo Wall, and that he was going to advise His Majesty and master in this sense. We shall now see whether or not he changes his mind when he hears other opinions quite different from his.

That is all I know about this matter, and I would like it to be kept strictly secret, especially what I say about the Sovereigns, because many of these things were trusted to me by the Catholic Queen, under the seal of secrecy, and I only divulge it for the case in which some benefit to the service of the King, our master, may be drawn therefrom.—Madrid, July 8th, 1755. Sr. Sebastiao José de Carvalho e Mello.

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NOTE.—This is a copy *taken from the copy* of the answer of Conde de Unhao, Ambassador of Portugal at Madrid, to Sr. Sebastiao José de Carvalho e Mello, Marquis de Pombal.

1759

**JOURNAL**

**Of the Spanish and Portuguese Surveyors.—Surveying of the  
false River Pepirí. (\*)**

The Chief of the Archives and Library and Interpreter of Languages of the State Department, etc., etc.—I do hereby certify that in the Archives under my charge there is a book, bound, original, and signed by the Surveyors of Their Catholic and Most Faithful Majesties, entitled « Journal of the Surveys by orders of Their Catholic and Most Faithful Majesties made jointly by the Two Second Parties in the year 1759, » and in it, from folio thirty-three to folio forty-three, inclusive, are found the documents relating to the survey of the Pepirí River. Their tenor is as follows: On the first, second and third of March, early in the morning, we went up along the rocky shore to examine the pass over which we were to take the canoes, which was a bend situated at about one hundred fathoms from us. At this place the rocks were not so close together as they are further up, but they were naturally broken and rather superficial, which facilitated the removal of some by means of iron bars and crowbars, by their removal the others being separated, and so the pass was freed from all. While some of the party were employed in this work, others occupied themselves in felling trees, and in making a broad cut which, being laid with tree trunks, would facilitate the passage of the canoes. When we had finished these preparations, the lightest of the canoes was brought to the little port, and unloaded, and a strong rope was attached to it; thirty men pulled on it while eight others held and pushed on both its sides, and drew it over in a short time successfully. In the same manner and with the same facility, by adding more men to the heavier ones,

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(\*) This is a translation from the original document existing in the Archives of the Department of State at Madrid, which, in a copy duly legalized by the United States Consul in the said city, forms part of the group D, No. 2, of manuscript documents of the "Argentine Evidence."

were these carried over during this and the following day a distance of twenty-three fathoms, five feet and nine inches, which there was between the surface of the water in the canal and that of the lakelet into which they were launched. The perpendicular height of the ground was five fathoms five feet four inches for twenty-one fathoms five feet of the distance, and diminished one foot one inch of the rest. At first the inclination approached the perpendicular, and it was hard work getting them over, but afterwards it is almost insensible. Communication was finally established between this first small lake and a neighboring one; the ground for a distance of five fathoms was lowered and a road opened and laid, so as to pass the canoes overland from this to a third lake, and the same thing was done in order to carry them from this one into the river, the spaces that made these divisions being almost like the first in size although higher. These three lakelets and another one slightly larger, which is situated against the mountain side, we judged were formed by the waters that remain land bound after the floods, and are not to be distinguished during the prevalence of the latter, because the signs of brush and branches seen in the trees show that during the greater floods the waters rise more than one fathom higher than the ground on which we stood; the waters of the river join the nearest one, and there again join the others; the last one empties them through the road that was opened for the canoes. There were still proofs of this to be seen. The time that we were detained by these works gave us an opportunity to see the falls and to geometrically examine their size; and in order to give some proper idea of them we will begin at their upper part. The river, that before reaching the falls is of considerable width, which we had no facility for measuring, has on its eastern shore (the side nearest to the mountain from which it soon deviates) a ledge of rocks from which the greater bulk of the waters run violently towards the pool into which it soon falls. A certain part of the waters escapes towards the eastern side, forming three rocky islets, thence they empty by as many mouths into the same channel without a fall. On the west shore, when the rocks are further apart, a large sheet of water spreads out without touching the rocky ledge, which does not reach as far, and falls, not bodily but gradually, over the wall in a direction north northeast and north, and forms a series of rapids more than a quarter of a league in length, finally interrupted by four small obstructions which give rise to as many falls, separated from one another by some sharp points that spring out from the wall itself. The distance embraced from the beginning of the rapids up to the end of the last fall is about one thousand, two hundred and eighty-six fathoms five feet, and doubtless when the river rises it must be more than half a league in length, the falling waters reaching much further down; and as the waters in the channel must also rise the falls must be less high. Those that were measured at their present height were found to be five fathoms three feet on the western wall and three fathoms four feet on the opposite side; the principal one in the middle of the river could not be measured but it was judged to be smaller than the last. From all appearances, whenever there is a great rise, the waters fill the wide channel of the eastern bank,

which is now dry, and then it must also empty itself over a fall, unless a sufficient amount of water collects in the channel to raise the level of it even with or even higher than the eastern wall. The width of the channel opposite the place where the canoes were carried over was seventeen fathoms, and farther up at its narrowest part it is ten fathoms three feet wide. The two walls enclosing the river are two continuous very hard black rocks; the eastern one is cut perpendicularly, and thus the water permits no small stone to find a resting place on it; the western is not very oblique; spurs of rock spring out at certain places, and there are some smaller stones over which the waters are precipitated, making falls without arches. The rebound of the waters after striking against the unequal stones and the prominent spurs of rock over which they fall produce great noise, which, carried by the wind, may be heard more than a league away, and makes a very thick foam thrown into the air, which rarefies in proportion to the distance it is from its source, and refracting the rays of light, presents to view the blues, the greens and the yellows, in irregular, ill-defined figures, not always in the same, but in different localities; then was seen at mid-day, when the sun's rays come down perpendicularly, at sunset, only the yellows could be distinguished in some places. The spray that was thrown to the opposite side, a distance of fourteen or fifteen fathoms, made a very fine rain that covers all the space of the falls, above which and more especially over the middle of the river, where the greatest body of water falls, may be seen a column as of smoke, light as a cloud, that rises perpendicularly about one fathom, which is not constant and varies in density and size, but it may be seen from a distance. The rapidity with which the waters precipitate themselves through the narrow channel that hems them in is so great that it is overcoming, and the view on following them down is only interrupted by the whirlpools and sudden swells which appear and disappear with equal rapidity, leaving after they go down so smooth a surface that one would suppose even an absence of the regular current. If from the middle of this large surface the view is extended as far as the beginning of the falls and to the end of the rapids towards the turbulent play of the white foam, partly tinted of various colors, and the other surroundings aforesaid, such an agreeable picture is presented that the first view will ensure the closest attention.

# **BELOW THE FALLS OF THE URUGUAY.**

## OBSERVATIONS.

<i>March.</i>	<i>Stars.</i>	<i>Albs.</i>	<i>Mers.</i>	<i>Aps.</i>	<i>Latitudes.</i>
3	<i>v</i> Pollux	46°	16'	21''	27° 9' 29''
	<i>B</i> Can minor	54°	06'	04''	18''
	<i>a</i> Procyon	57°	01'	32''	36''
	<i>B</i> Cancer	52°	56'	47''	32''

Average of four observations: 27° 9' 29''

Thermometer; 33 1/3, at 2 P. M.: Windy, cloudy weather.

*Francisco Arguedas, Francisco Milhau, Juan Marron, Joseph Fres. Pto. Alpoym, Antonio da Veigá da Andrada, Manoel Pucheco de Christo.*—FOURTH DAY.—The Portuguese party was in the vanguard. Began to sail over the first lagoon, and having overcome the difficulties of the road that was made in order to connect it with the second, we then went to the second which, like the third, we overcame by lifting and hauling the canoes, until they were launched on the broad expanse of the river's super-abundant waters, that flow until they precipitate themselves over the cascades—we were able to navigate, hugging as much as possible the shores of the western bank, as to avoid being carried away by some current over the above and parallel with which we were sailing. There was such little water in that part, and so many rocks, ledges and different currents, that with all propriety it might have been said that the canoes that were being pulled along by the men in the water were sailing on dry land. The river runs towards the north and returns to north northeast, even at the rapids; afterwards makes an angle towards the eastern part, at which it runs from east northeast to east one-quarter southeast, and afterwards to southeast one-quarter east. In that direction on the west is the mouth of the Arroyo Ylayoa. On passing it, having traveled one league, a halt was called, as the people were very tired from the constant work, and much troubled by the mosquitoes much felt that day, in which it was evident that we could not reach the Pepirí, as the guide said we would on the same day that we left the falls. Thermometer— $32\frac{1}{2}$  at one o'clock p. m.; north light wind, weather clear and sultry. *Francisco Arguedas, Francisco Milhau, Juan Marron, Joseph Fres. Pto. Alpoym, Antonio da Veiga da Andrada, Manoel Pucheco de Christo.*—FIFTH DAY.—The Spanish party led the way. We followed the same western coast on which we were, and turning south southeast as the river runs, there are in this direction two ledges of rock close to each other. We left two streams of water that come down tumultuously over the rocks, which we judged were produced by the heavy rains of the previous night. Great labor was occasioned by the numerous rocks and little water of the river, which returns to east southeast; and in this direction there is a ledge of rocks terminating in a small island of stones and sarandys, leaning on the north shore. This is covered over during the floods; and behind this, at a distance of two-thirds of a league from the Ytaya, there is the mouth of a river that can only be seen after turning the point of the island. The guide said that it was the Pepirí, that we were searching for. The Commissioners had him brought before them, and bringing together all the officers of both nations, he was asked what river that one was. He again answered that it was the Pepirí, and that by this name he had known it during the voyage that he had made to this place a few years before with the people of his village, and they called it Espia. At this time there was so little water in it that it promised a very short navigation; and as it was known from other information that the Pepirí had a ledge of rocks near its mouth, the Commissioners with the Portuguese Astronomer went to search for it, and they found it half a league from its mouth. Nevertheless, as it was seen that we had not arrived at the latitude

in which the Court maps place the Pepirí, and that the position of the one on which we were situated did not correspond with it either, as it was before the *Uruguay pitá*, which empties on the opposite shore, whereas on the map it appears after it, in order to rectify this map and to remove every kind of doubt that might be raised against the testimony of the guide, as being that of only one man (in truth he was the only one, not only among us, but among all the Misiones villages who could give it, as there were now no Indians remaining who had navigated above the falls), or because he might not remember well, so many years having passed since he had gone over that ground only once, the two Commissioners therefore agreed to go up the river the next day and to make a map of this region in order to satisfy ourselves of his knowledge and good guidance, by comparing the information that he gave us concerning the rivers Apiterebí and Uruguay-pitá, or as far as he said he had gone, with their true position. Thermometer—29° at one o'clock north wind, weather rainy. *Francisco Arguedas, Francisco Milhau, Juan Marron, Joseph Fres. Pto. Alpoym, Antonio da Veiga da Andrada, Manoel Pacheco de Christo.*—SIXTH DAY.—The Commissioners, Astronomers and Geographers of both nations started in the unladen canoes, and at a distance of less than a quarter of a league in the northeast direction taken by the river, an unnamed brook empties into the eastern bank, passing which there is a strong current and a small ledge of rocks, and further up in a direction northeast one-quarter north another one like it, also with a ledge and very little water, and in the same direction on the western bank a rivulet empties. The river then turns east northeast and then inclines southeast one-quarter east, and in this direction it has another ledge one-quarter of a league in length with very little water. This was passed in the usual manner, with the people in the water, where besides the sharp points of rocks that hurt the men's feet, various kinds of mosquitoes troubled them greatly by attacking their naked bodies in swarms. A small island of rocks and sarandys may be seen in the middle of this ledge, and after passing it there empties on the western bank, at a distance of a league and a quarter from the Pepirí, a not very large river, which the guide called the *Apiterebí*. After passing the ledge the river turns again with a slight current to the south southeast, into which a brook empties on the same bank, and inclining again to the southeast it has a slight current, in the middle of which there are large rocks, some rising out of the water; others are very superficial, slightly covered by the water; on their sides the water in some places was very deep and in others very shallow. Between them a passage was sought for, to avoid the powerful current of the channel, which runs very rapidly under the south shore. The river follows its turn toward the northeast and northeast one-quarter north, and at the beginning of this course, at a distance of nearly two and one-third leagues from the Pepirí, a large river empties on the eastern shore, which the guide said it was the *Uruguay-pitá*. This was the extent of his knowledge. We followed it up a little distance to see if the color of its waters corresponded with its name, meaning *Uruguay red*, and it was found that the color was somewhat like it. Its width,



measured a short distance above its mouth, is forty-nine fathoms four feet, and its depth six, eleven, twelve, fourteen, sixteen feet (del Rey), and followed up a distance of half a league it preserves the depth of twelve feet; the waters of the large Uruguay, being so much further down, have nothing to do with it and could not control those of the *pita*, which is the largest river we have met since leaving San Xavier. We continued the navigation of one river up-stream, and in the same direction it has another ledge which occupies its full width; and after passing it a brook empties on its opposite shore, and a little further on in a direction east northeast another, which is followed by another rapid current with a rocky ledge. After passing this we halted for the night on the eastern shore, having traveled a distance of three leagues. Not far from this second rocky ledge an old wooden mortar was found, which, the Paulists recognized, belonged to their countrymen by its make, and was probably left there by them in one of their old «malocas» (expeditions made by the Paulists in search of Indians for slaves), a small and very old rosary was also found and attributed to the same parties. The sides and bottom of the river are of rock in the greater part, with high banks and mountains on both sides, although less high than those in the neighborhood of the falls, they are always covered with trees. Thermometer  $-29\frac{1}{2}^{\circ}$  at one o'clock in the day; wind north northeast, clear and very sultry. *Francisco Arguedas, Francisco Milhau, Juan Manon, Joseph Fres. Pto. Alpoym, Antonio da Veiga da Andrada, Manoel Pacheco de Christo.*—SEVENTH DAY.—We continued on our way forward on a course east northeast, in which, at the bottom of the hill, a brook empties on the same north shore, the river turning to the southeast one-quarter east. It receives another one on the opposite side. It continues south one-quarter southeast; and during this course, a little more than half a league further on, is found a small island, rocky and high. After passing it we saw a great fall which we judged must be one fathom high, making steps over which the water violently fell, obstructing our further passage. We stopped before the island and a small canoe was sent to examine the falls at close quarters, with orders to pass beyond them if it could go around in any way until it turned a point that could be seen in the distance, and to reach the western bank for the mouth of some river that agreed better with the map of the courts. Some officers accompanied it up to the foot of the falls, and they stated that in order to pass them it would be necessary to execute a manœuvre similar to the one that had been executed at the great falls, of carrying the canoes over-land.

The people or crew of the canoe, that explored a little on oot, did not find any river. In view of this obstacle, and as there was no hope of a large river nearby in view of the many small brooks that were so frequently met with on both banks, the Commissioners called together the Astronomers and Geographers of both nations, and after they were all together, the Commissioners of His Christian Majesty set forth the reasons that had led him to take these measures, and to doubt the statement of the guide that the said river was the Pepirí, not only because its latitude does not agree with the

one given to it in the aforesaid map, but because after so many years the latter might have forgotten the ground and rivers.

He also presented the reasons that led him, after making this examination to doubt no longer, those which were supported by the assertions of the said guide, who during the month of November of the year 1757 had assured him at the village of San Javier, that he had not only been on the Pepirí river (to which they would arrive the same day they left the great falls of the Uruguay which he had frequently repeated during the voyage) but that he had also gone further up and as he now assured him that he had reached no further than the Uruguay-pitá, he was now convinced that the river was further back that he had known by the name of Pepirí, and that it could be no other than the one he had so designated, because this was the only one that could be reached the same day that you left the falls; and because the information that he had given concerning the other two rivers known to him. the Apeterebí and the Uruguay-pitá tallied with their respective situations, demonstrated that he knew what he was about. Furthermore his testimony was corroborated by other printed maps and by some manuscripts made by the Indians during the times they navigated those regions which place the Uruguay-pitá after the Pepirí near whose mouth the rocky ledge had been found, which it was known to have; and he concluded by saying, that if notwithstanding these reasons, any one still mistrusted or had a doubt, or could think of any other measure that could be taken for fixing the river more positively, he should now propose it, for there was still time to carry it out. Everyone was satisfied that this was undoubtedly the Pepirí river, which was always a river of considerable size, though at the time there was little water in it, which also occurred in the Uruguay itself: having reached this agreement it was resolved to return to camp where we arrived after a down river navigation of four and a half hours, passing not without some risk but without accident over the rocky ledges through the channels where we encountered head winds that raised some furious waves, which being successively shipped by the canoes succeeded in wetting all of us; after our arrival a heavy rain fell that lasted through part of the night.—*Francisco de rAgueda—Francisco Milhau.—Juan Marron.—Josef Fernandez Pinto Alpoym.—Antonio da Veiga da Andrada.—Manoul Pacheco de Christo.*—EIGHTH AND FOLLOWING DAYS TO THE FOURTEENTH. Being now convinced that we were at the mouth of the Pepirí river, the following act of acknowledgement or recognition was entered into and signed by all. The Commissioners of the second party of demarcation, Don Francisco Arguedas for His Catholic Majesty and Josef Fernandez Pinto Alpoym for His Most Faithful Majesty, after hearing the unanimous opinion of the astronomers, geographers and officers of both nations who, (in view of the reasons stated at the preceding meeting, and of the assurance of the Indian guide Francisco Javier Arirapí, serjeant of his pueblo of San Javier, whose acquaintance with and information regarding these rivers was proven by the agreement existing between the information he gave regarding them and their true position) stated that there was now no doubt in their mind that the Pepirí river was the one so designated by the

said guide, at whose mouth the parties were encamped, and we hereby declare that we recognize this as the river Pepirí named in Article V of Treaty on limits as the boundary between the dominions of Their Catholic and Most Faithful Majesties; consequently the demarcation begun at the pueblo of San Javier and followed up stream along the Uruguay up to the mouth of this one, shall follow its course towards its headwaters, in spite of its true position, not being in accordance with the one given it in the map of the two Courts, as we must not, in compliance with the instructions that appear on its reverse side signed by Their Excellencies the two Plenipotentiaries Don Josef de Carvajal y Lancaster and Viscount Don Thomas da Silva Tellez, bind ourselves to the aforesaid map only in so far as it agrees with the Treaty, And in order that this act of recognition and boundary of the division of limits may be known for all time we made this present declaration signed by all of the undersigned. Mouth of the Pepirí river, March 8th, 1759.—*Francisco Arguedas*—*Francisco Milhau*.—*Juan Marron*.—*Josef Fernandez Pinto Alpoym*.—*Antonio da Veiga da Andrada*.—*Manoel Pacheco de Christo*.—And that it may be known to all whom it may concern, I issue this present certification sealed and signed at Madrid on the 28th day of February, 1893.—Signed, MANUEL DEL PALACIO, Seal of Department of State. Archives and Library.

1759

**Letter of Don Francisco de Arguedas, addressed to the Marquis  
de Valdelirios, dated at the mouth of the Pepirí, March  
27th, 1759, wherein are told all the incidents  
relating to the survey of said river. (\*\**

Mon très cher ami : With double pleasure would I write you if instead of the difficulties which oblige me to stop the demarcation here and return to Misiones, in order to ascend the Paraná to battle again with reefs and currents, it could be in my power to avoid this trouble and delay; but being necessary to do this, it only remains for me to become reconciled with adverse fate, which your good example has taught me to forbear.

The fifteenth of last month I sent you a short letter from the Fall of the Guaraí, by means of a raft from the pueblo de Santa Maria, which was returning from the Itacarai. Afterwards we pursued our journey with success, but encountering continually reefs and currents, which were the more troublesome on account of the scarcity of water of the Uruguay; this continued until the twenty-fourth, when we arrived at a distance of a league and a half from the great Fall, where the whirlpools and strong currents begin, and with difficulty we proceeded a little further, but seeing it would be impossible for the rafts to proceed, we determined to leave them there with the men who could be spared, and with the Commanders of the troops. Some of the rafts were undone, and with ten different canoes for the officers of each party, we proceeded our journey. Accompanying us and at the request of

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(\*) This is a translation from the original document existing in the Central Archives of Alcalá de Henares which, in copy duly legalized by the United States Consul at Madrid, forms part of group D, No. 3, of manuscript documents of the "Argentine Evidence."

Alpoym, came Friar Francisco, and Dubois, the Chaplain and Surgeon remaining to take care of the men who were left. While the canoes were being prepared, Captain Vega went by land and returns with the information that the Fall could not be passed even with canoes, and that it could not be passed either by land, following the Eastern bank of the river, where we then were. For this reason we resolved to send the geographers by the said bank, to draw a plan of the river, and ordered Captain Antonio Rodriguez to go with Marron to the opposite bank and find out if the Fall could be crossed by the Western bank or by land. They brought the news that with difficulty the canoes could be dragged to a place where they would not be injured by the Fall ; so, with great trouble, clearing rocks and cutting down trees to force a passage, we managed to carry the canoes with the help of thirty men who pulled them with a rope, while others pushed them from behind, until we reached a heighth of thirty fathoms and a distance of twenty four fathoms. At this point the canoes were thrown into a small lake formed by the rise of the waters of the river, and repeating the above operation three times more, we reached a place where the waters are quiet, and where the water flows in cataract form to the principal canal of the river, at which point the latter becomes so narrow that it cannot be more than twenty yards in width. Looking at the fall of the water I was reminded of the «Peines» of Lima, although the latter are more beautiful, having a greater volume of water and the heighth from which it descends being also greater. We, finally, managed to overcome the difficulty and continued our march.

Upon our arrival at the Fall we were told by the guide of San Xavier, the only Indian of Misiones who had ever been beyond the Fall, that the very day we should leave the Fall we would reach the Pepirí. In effect, the next day we found a river which the guide said was the Pepirí. The news soon spread among the Portuguese soldiers, and their Commissioner stopped at the river awaiting the arrival of my canoe which had remained behind. As soon as I came Alpoym told me the news. Observing the small volume of water of the river, although and though its mouth was wide, I said I doubted that the river in question was the Pepirí. I landed, and calling again the guide who was coming in Milhaús canoe, I asked him in the presence of the officers of the two nations the name of the river at which we had arrived, and he said it was the Pepirí, under which name he had known it years before when he had been to the Espia, and that it was so called by the Indian guides who at that time were of the party.

Although I found the river to be in conformity with the position given it in two maps of San Xavier, which I had, one of which I had found it to be, as to the rest of the river, more exact and truthful, yet seeing it was a small river which could not be navigated, I said it did not correspond with the river represented in the map of the Courts, because we had not seen in the Western bank the river Uruguay-pitá, which said map places before the Pepirí, nor was the latitude where we were,  $27^{\circ} 9'$ , the same as that given by the map in question, which represents the Pepirí as being at  $26^{\circ} 40'$  latitude,

and finally, that it was difficult to believe the Sovereigns could have taken as limit such a small river as that one appeared to be, although its mouth was thirty-nine fathoms wide, when I knew the Pepirí was navigable and had been navigated by Father Delgado in search of Indians, as proven by his map, which I produced, as well as the map of the Courts.

Alpoym and his officers stood by the testimony of the guide, the only one there who could determine the name of the river, and upon the declaration of the Plenipotentiaries to the effect that more faith should be placed in the treaty and Instructions, than in the map of the Courts, when the latter should not conform with the ground, as in the present case, when we found the Pepirí before the Uruguay-pitá.

While my canoe was on the way, Alpoym had explored the river to some distance, and he told me it was a large river which further on had the same width as that at its mouth. I asked him if it had a fall near its mouth, (because I knew it should have one, through information given me by Father Candel), he said he did not know, but that his geographer had proceeded further and he would be able to tell upon his return. In effect, the geographer brought word that at a distance of half a league from the mouth of the river there was a large reef which prevented the canoes from proceeding any further. This information justified me in believing it was the Pepirí, in the face of the previous information I had of Father Candel, but from the existence of the reef I gathered the river could not be navigated, and I insisted we should go that afternoon to personally survey the reef. We did so and found the reef, and the river had so little water at that point, that it was difficult to believe its source could be far distant. I then spoke to Alpoym, assuring him the exigencies of our honor demanded that we leave there the boats, and that the officers should proceed in the canoes and survey the Uruguay further on. He assented to it, and the next day we navigated four long leagues, encountering at every moment rocks and scarcity of water until we reached a new Fall, which we could not pass unless experiencing the same difficulty we had with the Fall we had crossed before. At a distance of a league, and through the western bank, flows a stream which the guide called Apiterebí and at a distance of a league from the latter, the Uruguay-pitá flows through the eastern bank. Upon our arrival at the foot of this second Fall, Alpoym said: «It seems that we have satisfied your scruples; this Fall does not permit us to go any further, and the river you were seeking has been found, although a little higher up than represented in the map of the Courts, so I suppose we can now return.»

The guide had told Milhau it was useless to look further for the Pepirí, as it was the river we had left behind, and upon reaching the Uruguay-pitá the guide told me he had never been any further and that he did not know anything more about the river; at this I reasoned to myself as follows: «A year and a half ago the guide told me in San Xavier that he had gone beyond the Pepirí: now he assures me that he has not been beyond the Uruguay-pitá, and has never, in fact, displayed having any knowledge beyond the latter river. The Pepirí, then, must be below the Uruguay-pitá.» Reason-

ing which served to calm my fears that the contrary was the case. This reasoning, besides the difficulty of crossing and going beyond the Fall, and the fact that several small streams flowed into the Uruguay river, through its western bank, which proved to me, through the light of past experience, that for a long distance further on there was no possibility of any large river flowing into the Uruguay, decided me to assemble together the officers of the two nations, and ask them if they entertained any doubts that the Pepirí was the river we had left behind, because I knew that some of our own officers attributed my actions to mere personal scruples. They all agreed there was no doubt about its being the Pepirí, and said I should not hesitate to believe the same, notwithstanding the scarcity of its waters, because the Uruguay was also dry in spite of its greater volume of water ; so we decided to return to the point where we had left the other canoes.

While making some observations at that important point, I proposed to Alpoym we should send a light and small canoe to explore the Pepirí, so that we might obtain more knowledge concerning it, as we did not know anything about the interior of said river. He agreed, and the canoe was sent with the best Paulists, with provisions for four days, and with orders to explore the river as far as its source if possible, and to go on by land if it became impossible to navigate it. At the end of two days and a half they returned with the information that the river was full of rocks which began at a distance of half a league from its mouth, and the first of which had been overcome with difficulty, after which the little canoe had been taken, which could be shouldered by two men, by force of arms, to a place where there was more water, but they had afterwards encountered other rocks which could not be passed. They then continued by land about two leagues further, where they saw a stream of water descending from a mountain which they could not climb, and having observed, also, fresh signs of Indians, they resolved to return.

Upon the receipt of this news I again persuaded Alpoym to send the same small canoe with good men to explore the Uruguay, and if they could not cross the Fall at which we had arrived, to go by land, taking provisions for four days. They departed, Corporal Reynoso going as my representative, with orders to explore as much as they could, entering the rivers that flows through the western bank. At the end of four days they came back with the information of having reconnoitred the streams we had seen, and that finding it impossible to cross the Fall, they had left the canoes there, and that Reynoso and a Portuguese Corporal who knew how to steer, and who was provided for the occasion with a marine compass and a watch, had gone by land some distance further from the Fall, without finding or seeing, as far as their eyes could reach, any river of consequence, or half as large even as the one where we were.

In view of this new disappointment, and according to the news brought by the Corporal who explored the Pepirí, that it was impossible to navigate it beyond a distance of half a league, which we had already explored, we decided to send an exploring party by land which should open a road as far

as the source of the Pepirí, and this once found, to proceed by the highest lands until finding the source of the other river which flows into the Iguazú. For the better execution of this undertaking we decided that the geographers of the two nations should also go, with Antonio Rodríguez, Captain of adventurers, and twenty troopers, without counting the servants and Indians who carried the provisions, as the former only would be employed in opening the road. We gave them (by common agreement) the necessary instructions in which we included articles third and fourth of our own instructions, charging them to proceed with great diligence and exactness, and to draw up the necessary plans.

They left the fourteenth, and at a league from this place they abandoned the canoes and proceeded by land. On the seventeenth a heavy rain began to fall, which lasted for nearly eight days. Part of their provisions became wet, and another large portion was prematurely consumed by the Indians, so that at a distance of five leagues they wrote for more, adding that the river although having many rocks, had nearly the same width as at its mouth, for which reason they thought its source was at a greater distance than I had imagined, and we all thought that owing to the great amount of rain which had fallen, the river would become navigable. We sent them five canoes with the provisions requested and with orders to continue on the canoes as far as they could. They left the point where they had stopped, on the twenty-fifth of the month, and to this date we have heard nothing further from them. I am of the opinion that the river having risen, they have been able to proceed for a long distance, and I judge the river is large, because if at a distance of five leagues it has the same width as at its mouth, which is thirty-nine fathoms wide, it cannot be very small, and only seemed so at first owing to the dryness of the weather.

This operation has shown that the Portuguese Corporal who gave the first information did not see the river, nor did he carry out his orders as he should have done, relying, perhaps, upon the supposition that the river would not be explored by us. I would have gone personally as far as possible, if an indisposition of which Alpoym is suffering, had not detained me. He has been, for a period of eight days, shedding much blood from the hemorrhoids, and is now so weak that I have not wished to trouble him, but have told him that since the river is navigable we should explore it, as far as our canoes can go, and when he recovers we will do so. In the meantime, observations are being made here to properly locate the mouth of the river, but the frequent mist interrupts the operations and prevents their repetition. A small island at its mouth constitutes a visible sign of identification, but when the waters rise, they cover the island. In its eastern bank, because it flows into a bend where the river runs from South to North, several trees have been cut on an elevated ground, and a cross has been placed in one which has only a large and decayed trunk, but above all, the best sign is that it is the first river after passing the great Fall, which flows into the Uruguay through its western bank, in which it agrees with the Gatimí, that flows into the Paraná.



This is the history of my movements written in great hurry, as I have not even the time to read it over and correct any grammatical errors which may have been incurred. We are all enjoying good health. The heat, which has been intense at times, is now much more bearable ; and as we live under the trees, the rays of the sun us less. Mosquitoes and other insects trouble us considerably, but not as much as I had anticipated.

I am on the best of terms with Colonel Alpoym and his officers. After we left the rafts, the formality of precedence in the march was abandoned. We united our mess and have had our meals together, I providing the provisions one day and Alpoym the next. He is open and frank, and can easily be convinced with suitable arguments. Since crossing the Fall I have had no reason to believe he acts in bad faith, but on the contrary, believe he acts with frankness and in good faith. He thinks me somewhat over-cautious, as I try not to be outdone by him, and yet he relies upon me and we are always in good humour, to which Marron contributes his share.

Owing to the dense forests which have always surrounded us from the day of our departure from San Xavier, since when neither we nor the Paulists who have gone a league further have ever seen any plains. I believe that it will be impossible to cross the canoes, although the exploring party should find at no great distance, the source of the other river, nor have we the necessary provisions to allow us to proceed any further, as owing to the upsetting of some rafts, and the gluttony of the Indians, the provisions have been considerably diminished. In order that there might be fewer mouths to feed, I wrote Pando to send away the empty rafts with their men, and he sent two of them on the eleventh of this month. Now I am writing to him to send away two more canoes with their Indians, and with two soldiers who are to carry these letters and deliver them to Garcia, who will forward them to the place where you may be.

I am writing the Intendant to have ready the necessary provisions for one hundred days for forty men at the pueblo of Corpus. I do not mention jerked-beef, because I have seen how what we have, has been spoilt by the moths, and if we find time while at Corpus, we will have fifty or one hundred « arrobas » of fresh jerked-beef prepared, and the rest of the provisions will be made up of grains which are more useful. Alpoym has told me he will not take any jerked-beef, and I will follow his example. I have asked the Intendant for some rice, as it is the most useful article and is very good for the sick.

I also am writing to Father Horbogozo to have the boats ready at Corpus by the end of April or the beginning of May, when I believe we shall be able to leave, as I think the twentieth of the coming month we will be at San Xavier. Some of the canoes we have here, and which are all ready, will proceed to the Paraná to be used in the navigation of the Iguazú, about which I am writing to Father Herbogozo, as well as to Father Limp, to whom the former confided the care of procuring us the necessary provisions.

Although I told Pando to bring, among the troops he was authorized to select by señor Cevallos at my request, men more used to manage the oars

than the gun, of which we shall have no need, yet the men who came, were of a very different class, presumably because there were none of the kind I desired, or, what is more likely, because Pando did not search for them properly ; and Colonel Alpoym having repeatedly said that for the other voyage we have in view, we will be in need of better men, and considering that the Paraguayans are more useful on the rivers than the soldiers I bring, the Indians not being to be counted upon, on account of their laziness and unwillingness, and their habit of doing contrary to what is ordered them, and the interpreters not being enough to send one in each canoe, I have decided to write to the Governor of Paraguay in the terms of the letter, a copy of which I enclose, making what I consider an advantageous proposition, because the salaries they will receive will be the same as those paid to the Indians, and on this account, I will take a less number of the latter, and no troopers whatever, or at the most, four men and a serjeant who will be keeper and dispenser of provisions. I have addressed the letter to Father Limp, at San Xavier, with orders to forward it to Candelaria, and from there by special messenger to Asuncion. As soon as I receive an answer and news that the men are coming, I will send back the troopers with word to señor Cevallos that as I have Paraguayans for oarsmen and custodians, I have no need of armed men, nor have I boats sufficient to carry them. If you should think better of this, please let me know as I judge there will be time to act, as you may suggest.

As to Indians, we only found some, the sixteenth, on the western bank, with whom we talked, but were unable to understand a word of what they said, their language being such a guttural medley which even the other Indians could not understand. At first, twenty three of them appeared, but when the other rafts came in view, many of them vanished and called at us from a distance. but at no time did they dare come into our canoes, nor did they allow any of us either to go on shore. They are well formed, robust and of a clearer complexion than all other Indians I have known, even including those of Peru, which clearness of complexion I attribute to their living in the forests. They are dressed as nature dressed them, and their women, whom we did not see, although we thought they were spying at us from behind the trees, must be beautiful. We made them some presents, and they gave us bows and arrows in return, the only weapons they use. But the presents they seemed to want the most were axes ; so we understood at least by the signs they made, as if they were felling drunks, and by their mimicry of tasting, as if they should taste honey, and it seems that they wanted these axes to bring down the bee-hives on the trees. The Indians say they are mild in comparison to those tribes that live on the eastern bank, called Caribes, whom they much fear.

Nothing else has taken place around here. I wish you all the satisfaction justly deserved by your constancy and sufferings, and hope you will come out of the labyrinth of the Ibicuí with success and good health. Marron and Dubois wish to be remembered to you, and kindly remember me also to

Don Juan de Echevarría, Father Ibañez, Reyna, Gazcon, Mendizábal, etc.

Alpoym has not written yet to his Superior, but says he will do so from San Xavier, on his return. There I hope to hear from you, and in the meantime, I ask God to keep you for many years. Mouth of the Pepirí, March twenty-seventh, one thousand seven hundred and fifty nine. Your most faithful, «usque ad aras»

ARGUEDAS.

**Official Letter of Don Francisco de Sousa Coutinho, Portuguese Ambassador at Madrid, to Senhor Aires de Sá Mello, upon the Treaty of Boundaries of the same year. (\*)**

No. 79.—Most Illustrious Sir and Excellency:

I had to-day a conference with the Count of Florida Blanca, and he showed me the Treaty he had made, stating, that he could not sign that part of it, tracing the boundary by some rivers which are not in his charts, indicating the cession of both banks of the river Amazons without limit, which ought to be omitted and reserved for secret articles, so as to do an honorable work for both Monarchies, in which, he thought, he had succeeded, at least the King had such an idea from which he would not deviate. I read the said treaty in his presence, and pointed out to him that which, I thought, needed amendment, which he did promptly; but he mentioned the rivers of the first division of the line appearing in his chart, and it was impossible to convince him about the others, for there were absolutely none; and I do not think that it was of great importance, except on condition that the line should pass through the headsprings of those running into the respective dominions. In the addition which he made to the article about the island of Santa Catalina and the form in which it is worded, he said that, for the honor of both Crowns, he always wrote equal concessions on one side and on the other, and that he thought this to be the only means the Queen might make use of to have the

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(\*) This is a translation from the original document existing in the Archives of the Portuguese Department of State, which, in a copy duly legalized by the United States Consul at Lisbon, forms part of group D, No. 4, of manuscript documents of the « Argentine Evidence. »

English abstain themselves from going to the said island in times of war, for they having done nothing for its defence nor for its restitution, they could have no reason to complain of that stipulation.

We did then come to the secret articles, and as the most important feature to the condition twenty-one had been altered, he declared that since the time when the Treaty of 1750 was signed, the idea that there could be war in one part and not in the other, was scouted, and he had always entertained the same opinion; that in making peace now, he believed that to think of war in any event, was out of question, so much so, that war meant the extinction of the obligation of former treaties, and he wrote it so, as a matter of justice and decorum.

Then I told him that in view of those alterations from which he would not deviate, I asked leave to send a messenger, who would start to-day and return with all possible speed bringing an answer. He replied in the affirmative, but it must be with the understanding that the King would not change his resolution; and that he was only disposed to make in the secret articles any declaration that Your Excellency would deem necessary to the best and earliest execution of the Treaty, and that in proof that there could be no alteration in the same, translating and writing should be kept on, and that he requested Your Excellency to send the ratification of the said Treaty and of the secret articles with the declaration that Your Excellency might think proper or necessary, that the proper date would be put here on the Treaty, and that the ratifications should be interchanged the same day on which it would be signed; and that Your Excellency could send the orders for its execution, and those for the delivery of the islands of Anno Bom, and Fernand Pó, to be secret and to give them all the assistance needed from the islands of San Thomé and Príncipe for their settlement on the same principle. He then complained to me that they had not spoken to him with sincerity, when the same article about the alliance was made, with the intention of never concluding it, for leaving to the king to decide on the time of the beginning of this treaty, as quickly as possible, it was like never to conclude the same, for which reason the word promote was adopted as being more decorous. He also complained that the Viceroy of Brazil had detained the vessels which took officers prisoners to Rio de Janeiro, with passports, which was against the laws and the practice in similar cases, based upon righteousness and mutual convenience; he said that the King had done all that could be expected from the most generous Monarch and best friend that could be desired; that, to talk of negotiation, every thing should be referred to precedent, based upon the conquest made to improve his interests; that nothing of the kind had been done; that he asked the post should not be delayed, as before; that he would not hear of alterations in which he could not acquiesce, giving time for the arrival of news with regard to the attacks upon Rio Grande which might make him change his mind. This is, substantially, what we talked about, in a long conference, to which I may add that they are very much disgusted at the delays, on account of the expenses to which they are subject, and because they wish to have the vessels and the troops

to return, in order to insure peace; and that the treaty they now enter into, is the same of 1750, which Your Excellency seemed to desire, as per the secret article which Your Excellency sent to me; that, as far as the King's opposition to the same is concerned, wonders have been done; that this treaty has no other difference but the loss of the villages or Misiones of Uruguay, which loss is very insignificant, owing to the bad lands of which they are composed, and to the difficulties to reduce the Indians into obedience; and that if in the time on which it was made, a Portuguese Queen, willing to overcome all difficulties, could not accomplish it, how much more difficult to overcome would not the re-establishment of a cancelled treaty, hated by the King, make it, when there was really not any other means to govern America. The loss of the Colonia, far from being injurious, is very beneficial because it saves the heavy expenses which it made, and the wars of which it was the cause, could not yield any profit; and even if it did, it would be against the natural right, for smuggling directly maintained, is offensive to such rights, in times of peace and in a state of war, if we are neutral. The whole Brazil is a colony with just principles, and the Spaniards will have to go for what they shall need wherever they can find it; we shall govern our America, and profit by the fruitful lands of Rio Grande, which, being well handled, will be more convenient than the principal ports of Brazil, and finally we suppress forever the name of usurpation, which was attached to the establishments in the dark old times, the memory of which would always be doleful. Your Excellency will please to resolve that which may be convenient to the Royal service. I only beg for all I may deserve, that Your Excellency will kindly send to me a prompt reply and by a speedy post, for I feel exceedingly sorry to see that it takes more than two days to receive a reply, and matters, for the reasons above-mentioned, admit of no more delays. I beg to be excused if I speak so candidly. Just after writing this communication, the Count of Florida Blanca sent a message to me, that as they were sending a post to Almodóvar, and fearing that my post would not terminate the journey, he proposed that both should go together, so that if one of them should fall sick the other could take the despatches of the other and proceed on his journey, to which I did not make any objection, and the same Minister told me, by order of the King, that he sent the messenger to ask that the conclusion of the affair shall be hastened, and that Your Excellency wish to send both ratifications, which must be separate; one of the treaty and the other of the secret articles, the date of to-day would be put on the treaty and secret articles. I beg to remind Your Excellency of the fact that, since the secrecy of the Treaty of Commerce is to be kept, another full power of attorney shall be necessary, for the one Your Excellency sent me, does not mention the Treaty of Commerce. The Duke of Lozada said to me afterwards, that the King had told him that he had proposed the best means of sending at once the ratification, in order to remedy the delay of waiting for the same, owing to the necessity of sending the orders to America. If His Majesty would be pleased to accede to this desire of the King, Your Excellency may rest assured that said ratifications will only serve to the extent

of what Your Excellency may send to me, signed and approved by the same body. Please do not pay any attention to the copies not having the Spanish names in the first place, because they are theirs. We had no time to-day to translate ours, which shall be written contrarywise. Your Excellency may dispose what it may be best. San Ildefonso, September tenth, one thousand seven hundred and seventy-seven.—Most Illustrious and Excellent Sr. Ayres de Sá Mello (signed) D. FRANCISCO INOCENCIO DE SOUSA COUTINHO.—(Follow the documents enclosed in this communication.)

MOST EXCELLENT SIR:—The sincere desire of the King, my master, to arrange and conclude the preliminaries of the Treaty on Boundaries of South America, and to insure peace and perpetual union of this and your Crown, has prompted His Majesty to renounce the great advantages which the advance of his armies in those regions ought to assure him, founded upon the justice which he claims to have; and to restrict the public and secret articles of the mutual settlement of the differences between both Courts, to the precise terms which I have to-day communicated to Sr. D. Francisco Inocencio de Sousa Coutinho, of which this Ambassador informs Your Excellency. From the copies of the final resolutions of the King, and the prompt and definite answer from your Court accepting the same, His Majesty will conclude whether there is not some hidden hand trying with success to frustrate our good and peaceful intentions. The un-ambitious ideas of the King, my master, his love for peace and for the Most Faithful Queen, his niece, his devotion to the Queen's mother, a sister of His Majesty, and mediator in the disagreement of both Crowns, the estimable character of Your Excellency, so highly appreciated by His Majesty, and the sincerity of my wish for the prompt and happy conclusion of matters of such gravity, would seem to promise the success of the pending negotiations. But I confess to Your Excellency that I entertain fears that it shall fail in spite of that mass of great motives and propitious expectations, and I cannot but signify to His Excellency that, if the answer now looked for and demanded, suffers the former delay, or is accompanied with the difficulties which so far have postponed or rendered impossible the attainment of the object in view, I do not know what others may rise after the return of the messenger which I send to-day, with no other object but that of placing this letter in the hands of Your Excellency.

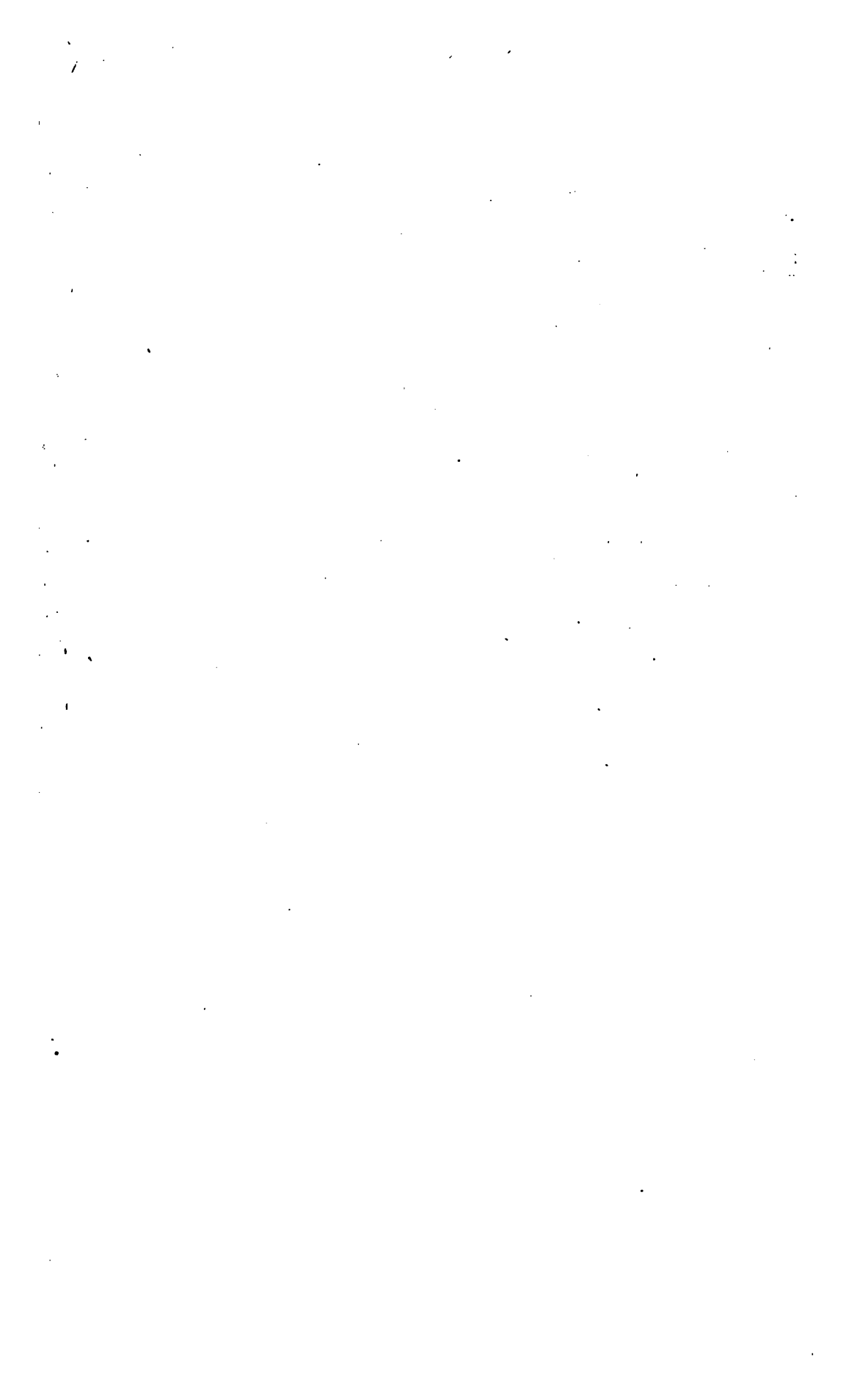
I beg that Your Excellency will take this candid exposition of the critical situation in which the important affair, entrusted to us by our August Sovereigns, is placed, as the greatest token of my desire that our efforts shall not be frustrated, nor the fortunate occasion of uniting forever Spain and Portugal, closing the old obstinate contentions which deviated one power from the other. His Excellency may rest assured of my just appreciation of his person and of my sincerity and obedience to his commands. San Ildefonso, September tenth, one thousand seven hundred and seventy-seven.—Your obedient servant, EL CONDE DE FLORIDA BLANCA.—Sr. Aires de Sá Mello.

*Copy.*—Separate secret article sent from Lisbon.—His Catholic Majesty, by his generous magnanimity, and by virtue of the cession which Her. Most Faithful Majesty, his niece, made to him in Article VII and VIII of the Preliminary Treaty of this date, relative to the islands Annobon and Fernando Pó, with the safe entrance of Spanish vessels in the islands of Príncipe and San Thomé, with a view to introduce and develop Spanish trade and navigation on the coast of Africa, the said Spanish Majesty covenants and declares that the line of demarcation of the Portuguese and Spanish States of America shall run from the site of Lake Merim and Fort of San Gonzalo, referred to in Article VI of the Preliminary Treaty, and shall be regulated by the same sites which were designated and stipulated in the Treaty of Madrid, January thirteenth, one thousand seven hundred and fifty.

The foregoing article shall be ratified within the precise term of fifteen days, or before, if possible, and shall be a part of the Preliminary Treaty signed this day, as if it had been written and added to it.

In Article VII, where it reads, « according to the spirit of the treaty of 1750, in Articles V, VI, VII and VIII, » it must read, « to prevent doubts in the execution, according to the spirit of the treaty of 1750, and the letter of Articles V, VI, VII and VIII, as long as it is not contrary to the agreement in the present Preliminary Treaty. » (This note is written on similar paper, and with identical hand to that of the Conde de Florida Blanca's letter.)





1777

**Note to Don Pedro de Cevallos enclosing a copy of Royal Letters  
given to the Portuguese Ambassador, relating to the  
Preliminary Treaty of Peace of 1777. (\*)**

From the annexed copy of the Royal Letters patent delivered on this day to the Portuguese Ambassador to be addressed by his Court and the original of the Most Faithful Queen that I enclose, Your Excellency will be informed of the Preliminary Treaty of Peace already entered into and which is to subsist between Spain and Portugal, and whereas it is of such importance to the King's service that no time be lost in carrying into effect every measure embraced in the aforesaid Treaty, I require Your Excellency, by order of His Majesty, to take all the measures necessary for verifying the various points mentioned in its articles, and to facilitate thereto all those means that may conduce to the observance and fulfilment of what is therein stipulated proceeding immediately to execute those commands relative to matters that may be considered of greatest importance, such as the withdrawal of the fleet and troops of the Expedition under Your Excellency's command, only leaving within the province, the number that you may deem proper and that may have existed in time of peace, as Your Excellency can understand the importance of their return to Spain, avoiding the expenses of maintaining over there the fleet and troops that Your Excellency led from Cadiz. Your Excellency will also see from the same Letters Patent, the great confidence the King reposes in your

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(\*) This is a translation from the original document existing in the Department of Foreign Relations of the Argentine Republic which forms part of group D, num. 5, of manuscript documents of the "Argentine Evidence"

person, feeling assured of your zeal, prudence and activity ; and by virtue of this security well proven on every occasion, His Majesty hopes the result of this Preliminary Treaty will be rendered evident, with the ~~same~~ **uniformity** and the corresponding good faith, and by this Royal Command I notify Your Excellency for your understanding.—God save Your Excellency many years  
San Lorenzo el Real, October 20th, 1777.—JOSEPH DE GALVEZ.—Señor Don Pedro de Cevallos.

**Instructions from the Count of Florida Blanca to the Count  
of Aranda, Spanish Ambassador at Paris, upon the  
matter involved in the Treaty of 1777, (\*)**

The Portfolio reads: "San Lorenzo el Real, October 23d, 1777.—To the Conde de Aranda. Informing him of the terms on which a settlement of the boundaries has been concluded, between this Crown and that of Portugal, and also of the contents of the secret articles ; and giving him instructions with regard to what he may say and what he must withhold from that Ministry and the manner in which to do it, in order to avoid mistrust on the part of that Cabinet, thus injuring our interests.

TEXT.

Your Excellency : On the 11th instant, His Majesty signed the ratification of the Preliminary Treaty on boundaries of South America, entered into between this Crown and that of Portugal, having already received the ratification of the Most Faithful King, and I will now give Your Excellency a general idea of the terms on which we have settled the old dispute which was in every respect to our interest to terminate, inasmuch as the injuries occasioned to us by sustaining it, by far exceeded whatever sacrifices we have been obliged to make in order to bring it rapidly to a close, and thus avoiding at present and in the future cases, expenses and division of our forces, which we must reunite, as much as possible, in view of the vast extent and for the proper defense of the ultramarine possessions of this monarchy.

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(\*) This is a translation of the original document existing in the General Archives of Simancas which, in copy duly legalized by the United States Consul, at Madrid, forms part of group D, No. 6, of manuscript documents of the "Argentine Evidence."

We could not have reached this arrangement if we had not given up the rights that this Crown founded on the Treaty of Tordesillas. For this reason the King resolved that we should try to make up for it in the region of La Plata and Uruguay rivers, reserving to ourselves their exclusive navigation, embracing within the boundaries of Castile all the rivers that empty into one and the other, and those having their sources within these districts up to the end of their course, as well as the lands that they cover, retaining the seven villages ceded by the boundary Treaty of 1750, and, in fact, fixing the boundaries so as to avoid in future times new matters of discord between the two countries, and all pretexts for usurpations by one or the other.

This decision of His Majesty was the model and guide in extending the preliminary articles. There remained to Spain therefore (as it is therein stipulated) with the exclusive navigation the said La Plata and Uruguay rivers, the lands of both their banks up to where the Pepirí or Pequirí-guazú empties into the same Uruguay on its western bank, our possessions extending on the north bank of the River Plate up to the divisory line that will be traced beginning on the side towards the sea at the Arroyo de Chuí and fort San Miguel inclusive and following the banks of the Laguna Merin until it strikes the headwaters or sources of the Rio Negro which, like all those of the other rivers that empty into the aforesaid River Plate and Uruguay, as far as the point at which the Pepirí-guazú empties into the latter, will remain exclusively to Spain, with the regions embraced in those countries, inclusive of the Colonia of Sacramento and its territory and the island of San Gabriel that Portugal cedes to Castile forever.

The Rio Grande de San Pedro, and all the rivers emptying into it, remain the property of the Portuguese and then following up its source as far as Yacuí, fort San Gonzalo, rivers Ararica and Coyacuí, which are also left to Portugal, and reserving to Spain the Piratini and Ibimirí rivers, a line is traced covering the Portuguese settlements as far as the mouth of the Pepirí-guazú, which shall likewise preserve the Spanish settlements.

Otherwise the same general direction is observed along the boundary fixed by the cancelled Treaty of 1750, only differing in that it has been specified in clearer and more positive terms than before, tracing it through the place wherein the Yavarí river empties into the Marañon up to the most westerly mouth of the Yapurá, without ever losing sight of the very important object of covering the Peruvian possessions, and preventing an entrance into them by means of the rivers that facilitate it, at the same time leaving out the Portuguese settlements, situated on the banks of the Rio Negro and Yapurá, always with the object of preventing all communications, and reserving out those lands which might be difficult to apportion, a zone or strip of which shall be neutral ground, and the boundary of both countries.

Besides the territory and Colonia of Sacramento and the island of San Gabriel, Portugal renounces whatever rights it may have over the Philippine and Mariana islands, by virtue of the Deed of Zaragoza, and Spain on her part returns to it the island of Santa Catalina; it is stipulated that it is to refuse entry into it and into the surrounding coast to the vessels of the other

nations and reserving, by a secret and separate article, the use and employment of the said harbor and coast for the Spanish vessels.

This is the substance of the preliminary articles which will serve as the basis and foundation for the definitive Treaty of boundaries which will be concluded, whenever the respective Commissioners, who are to be appointed, shall make a report with the precise information and exact boundaries, and I will take care to send to Your Excellency the said articles, as soon as they are printed, as it is impossible to make with rapidity the required number of copies.

The idea that I have given Your Excellency of the contents of those articles will, in the meanwhile, do for your own information as well as to inform that Ministry of the terms in which we have concluded the settlement.

I will now say confidentially to Your Excellency, so that you may conduct yourself accordingly, that, besides those preliminary articles on boundaries, we have signed and ratified other separate ones, which for the time being, must remain secret, for the reasons that I will state to Your Excellency. By them it has been provisionally agreed as follows: That three Treaties shall be concluded, one of boundaries according to the preliminary articles already stipulated; another of alliance perpetual and indissoluble between the two Crowns, and another of commerce, with the object of promoting the mutual advantages and interests of both nations. The first will be proceeded with, as I have said, whenever the Commissioners shall report the fixed boundaries, and shall send the corresponding information; the second and third ones are to be concluded within the term of two months counting from the day which the preliminary Treaty of boundaries is ratified.

In the separate articles it is previously established, besides what has already been said of the island of Santa Catalina and the neighboring coast, that the two Crowns will refuse the use of their American harbors to the vessels of any Power that may be at war with one of them, and which may propose to take advantage of these for hostile purposes against one of them, and that they will not permit the use of their ports or territories (in any part of the world) either directly or indirectly, for attacking or making war on one of the two contracting Powers, or on their subjects or territories or on their vessels, in the meanwhile observing the most strict neutrality.

In consideration of the restitution of the island of Santa Catalina, and of the magnanimity of the King's actions with regard to all the points of this friendly agreement; Portugal cedes in favor of Spain two islands, the island of Annobon, on the coast of Africa and the island of Fernando Pó, on the Gulf of Guinea, in order that the Spaniards may settle therein and carry on traffic with the opposite coast and ports, and entering on its own account into the traffic of negroes, using its ports in coming and going round the Cape of Good Hope, either in going or in coming from the Philippine Islands and employing as it would its own those of the islands of Santo Tomé and Príncipe, not only to take on fresh supplies, but also to facilitate the trade that they may establish, as well as for settling on the islands ceded to them, more easily and quickly.

Your Excellency's understanding will easily grasp the inconveniences resulting if these separate articles were allowed to be known to-day, even on account of the positive offer and qualifications of the future treaty of alliance, or else on account of the matter touching the treaty of commerce, that which it is true that our enemies the English could only endeavor to frustrate our union, both among them and among our French allies, there would be manifest anxiety, at our obtaining the island of Annobon and Fernando Pó, together with the direct trade in negroes, which would thereby be facilitated, that they might develop such stratagems that one or the other might finally frustrate the complete execution of our projected treaties.

And even if France, preferring its individual interest to ours, did not prevent us, there is always the risk in informing it that it may not keep the secret properly and allow information of it to reach the English, who might originate to the corresponding obstacles, embarrassing us on account of the natural slowness, timidity and mistrust with which the Portuguese Minister carries on his political operations, in spite of the cordiality which begins to grow between the two nations. Nevertheless, we cannot refrain from giving that Cabinet some confidence in this affair in order to avoid their complaints of our reserve, especially as it already has some general idea that we intend to negotiate some union or alliance between this Court and that of Lisbon, although we do not believe that it has an inkling, regarding the making of a treaty of commerce, with respect to which the Portuguese themselves have demanded the greatest secrecy from us, as it happens, among other things that that same Court has asked for our help in obtaining from that of Lisbon some advantages for its commerce and that the Court of Versailles has approached Your Excellency (as per Your Excellency's despatch of July 20th, No. 1080) insinuating that it was known that there were many points being treated of by me with this Ambassador of Portugal and that he appeared anxious and curious to find out what they were and how they had advanced.

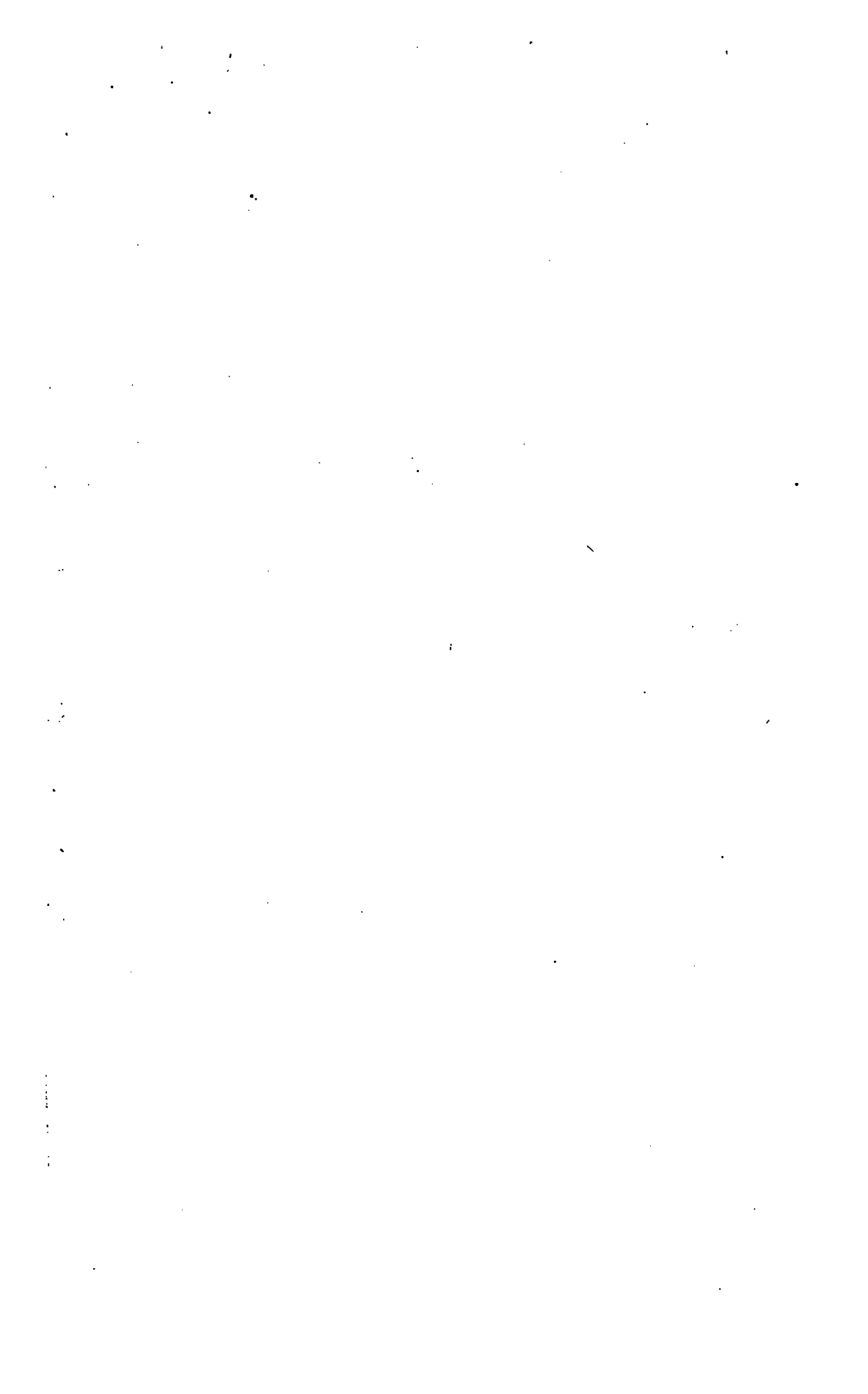
Under this circumstance, Your Excellency being now informed of all the contents of the separate articles, it would be well for Your Excellency to conduct yourself with great circumspection and skill, to avoid risking the secret or the aforesaid injuries and also to avoid giving that Court reason for complaining of our reserve. And although the King leaves to Your Excellency's discretion and skill the management of the matter with the delicacy and tact required, His Majesty has commanded me to tell you that you must say nothing of the separate articles agreed upon on the specified terms that I have explained to Your Excellency; you may merely insinuate that from what you have been told to communicate in the strictest confidence to that Ministry, there is some preparatory agreement whose object is to carry out the ideas of some kind of alliance or mutual guarantee by cultivating the favorable dispositions of that Court at the present time, with the object of withdrawing Portugal from its dependence from England, and to weaken at least, if not to break off completely, the chains that so closely bind Portugal to the British Crown. Your Excellency add that this dependence is so great,

and that so much does the Lusitanian Ministry fear the Court of London, that we will accomplish nothing if we do not keep the secret that had been entrusted to us : we find ourselves therefore obliged to keep an excessive silence, in order to avoid the consequences of an accidental disclosure of the negotiation.

In short, Your Excellency will so direct your insinuations to the end that after we have secured the articles of our Treaties of Alliance and of Commerce, that Minister shall be informed of the agreements of friendship and national interest, concluded by us, we may easily and truthfully persuade it, that it was formulated at some posterior negotiation, in such a manner as will prevent France from feeling offended at our reserve, and so that, when it is brought into the matter, it shall come in, more as an accessory or adjunct power than as a principal party, without the power of injuring our advantages or its own, on account of levity, interest, or from failing to keep the secret, we shall then employ our mediation and influence, and give it effective proofs of our desire to please it and promote with the Portuguese the granting of some favors to the commerce of France which is of such interest to that Court.

By means of this conduct or any other which Your Excellency's great talents may judge to be more in keeping, with His Majesty thought which I have intimated to you, we will avoid the direct interposition of that Cabinet in our affairs, which might disturb us in the adjustment and conclusion of our two private Treaties of Alliance and of Commerce, and we will have a reasonable opportunity to serve that Court, without detriment of our interests, inasmuch as the King has empowered me for it, the instant we can combine with those measures the common and reciprocal welfare of this and that nation. As secret orders has been given for two frigates of war with the necessary troops, artillery and other things to leave Buenos Ayres, to take possession of the two Islands, we will communicate the information to France of their cession to us, on the return to Cadiz of the Expedition under the command of Don Pedro de Cevallos, as the said operation will have then taken place, and France will know of it, at least three or four months before it is disclosed in Europe, it being easy to persuade it that those Islands has been ceded to us by special negotiation carried on at some period posterior to the present date of Your Excellency's participation to it of our adjustment of limits in the manner already indicated. We will then be able to inform that Power, without mystery, that we have agreed with Portugal ( and in fact we have ) not to confide to any one, until we were in possession of the Islands of the Annobon and of Fernando del Pó, the fact of that cession, it having been so exacted by the Most Faithful Queen, because the English had solicited their adjudication to them.—God save Your Excellency many years as I wish. San Lorenzo el Real, October 23d, 1777,—To Señor Conde de Aranda.





**Advice of Brigadier Don Joseph Custodio de Sá y Faria upon  
the inconveniences to result from adopting the bound-  
aries designated in the Treaty of 1777. (\*)**

No. 94.—The Viceroy of Buenos Ayres transmits a copy of the report which, by his orders, Brigadier Don Joseph Custodio de Sá y Faria gave, illustrated with two maps, wherein are stated the inconveniences that would result from the establishment of the boundary line through the designated districts, and asks for the corresponding Decree.

Your Excellency.—Dear Sir: Having heard Brigadier Don Joseph Custodio de Sá y Faria relate, with reference to the Preliminary Treaty, the inconveniences or injuries resulting to the interests and vassals of His Majesty by the establishment of the boundary line through the designated districts, it occurred to me that it might be useful for a proper understanding of the matter, and for the information of the King, to give him orders to put in writing the reasons for his opinion, and they are the same that appear in the accompanying copy, which he sent to me, together with two maps, illustrating the subject; which I hereby address to Your Excellency that you may kindly inform the King, and communicate to me the proper order with reference to this matter.

Our Lord save Your Excellency many years. Buenos Ayres, February 17th, one thousand seven hundred and seventy nine.—Your Excellency.—

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(\*) This is a translation from the original documents existing in the General Archives of the Indies, which in a copy duly legalized by the United States Consul at Seville, forms part of group D., No. 7, of manuscript documents of the "Argentine Evidence."

I kiss Your Excellency's hand, Your most attentive and obedient servant.  
—JUAN JOSEPH DE VERTIZ.—His Excellency Don Joseph de Galvez.

*(Follows the document referred to.)*

Your Excellency :—In compliance with your order in which you command me to report, after examining the Preliminary Treaty on limits or boundaries of this South America, entered into between His Majesty and the Most Faithful Queen, and also the Instructions signed on the sixth of June of the year last past, by His Excellency Don Joseph de Galvez, if I know of any inconvenience or injury resulting from the establishment of the boundary line through the districts therein mentioned. And I, obeying the command in the said order find that the line, as therein traced, injures the vassals of His Majesty in two places. The first: that that part of it, passing by the latitude of the pueblos of the Uruguay, through those streams that flow on the East towards the Rio Grande de San Pedro, and on the West towards the Uruguay river, that is, between the sources of the rivers Iyuy-guazú and Miní, and between those of the Yacuy river, leaves within the Portuguese boundaries, the grass lands of these pueblos, and some on the Paraná, not only doing an injury to the Indians (who have no other place in which to work said grass) but also to the Royal revenue from said grass derived.

From the map illustrating the region, which I place before Your Excellency, Your Excellency will understand the full force of the inconvenience. The pueblos of the Paraná have their grass lands on the Paraná river itself, near the Iguazú river, and they carry the grass in boats to the said villages or pueblos; but these grass lands would not be within easy reach of those situated on either bank of the Uruguay river, they would be obliged to take it in boats to some one of the villages of the Paraná, and from there to take it overland to those of the Uruguay, and as the distance is very long, it cannot pay them to take it from the Paraná, they thus losing the advantages and benefits of having the said grass near their villages.

It would not injure Portugal, if these grass lands were included within the boundaries of Spain, as the Portuguese do not employ this grass, while it is a very important business of the Indian villages, not only because they would sadly feel the want of it for their own supply, but because they bring it into this city and sell it. On the same map will be found the place in which to locate this line, saving those grass lands.

The second is as follows: that, as the boundary line is to pass through the bed of the river Ipané-guazú, according to the referred Instructions, this will leave within the Portuguese boundary two settlements, one called Nuestra Señora de la Concepcion, of Spaniards who have their farms six leagues to the North of the same Ipané, and another situated five leagues to the East of the Paraguay river, also near the Ipané river, and made up of Guaycurús Indians, who began to be converted to Christianity in one thousand seven hundred and sixty, and it is named Nuestra Señora de Belen.

Your Excellency can imagine how violent such a transmigration of the Spaniards and Indians therein settled would be, and also what would be the consequence, more especially among those recently converted to the

Faith, who on the slightest movement get frightened and run away into the woods, and it is probable that if the two Sovereigns had had information about these two settlements, when they concluded this Preliminary Treaty, they would not have given orders to fix the line through the Ipané-guazú, and would have done so, through another river, for it can be easily seen in the said Treaty that they gave all their attention to the object of saving their own respective settlements. Taking the above into consideration, this obstacle may be avoided by continuing the boundary line, from the sources of the Igatimí and searching for those of some other river more to the North, that must not be the Ipané-guazú, as may be seen in the other map which I also present to Your Excellency.

In order to compensate Portugal (in case they intend to do so) for the loss of these two portions of land, I cannot find, all along the line, any land which His Majesty could give up without trouble ensuing, for example, in order to enlarge the Portuguese possessions to this end, lowering the boundary line further to the South. of the Jaurú river, it would be necessary to carry it into the Provinces of Chiquitos and Mojos, bringing the Portuguese nearer to their villages, and including some of them without it.

Around the Igatimí nothing can be given up to them, for we could ill afford to draw the line further South, when it is of importance to us to trace it, further toward the North, in order to include within His Majesty's boundaries the two above-mentioned villages on the Ipané-guazú.

From the river Tahim to the bank of the Uruguay, opposite the mouth of the Pepirí, I do not find any land that can be given up to them, nor any either, from the Pepirí to the great rapids (Salto grande) of the Paraná, for on all sides, great obstacles would be encountered as can easily be seen by the merest inspection of the maps published in one thousand seven hundred and seventy five.

Finally, if we were to place the beginning of the boundary more to the south of the Tahim river (this being the only place at which we could compensate their loss) I believe that when the Treaty provides for thirty leagues of neutral land, it is with the intention of separating one nation from the other at this place, and we would in this manner bring them together, and bring the Portuguese near Fort Santa Teresa; for this reason I only put down the obstacles, in order that Your Excellency may bear them in mind, and thus find a remedy in time.

This is all the information that I can give to Your Excellency on this subject, in which I hope I have succeeded, and have also shown the zeal that animates me in His Majesty's service. Buenos Ayres, February third, one thousand seven hundred and seventy nine.—JOSÉ CUSTODIO DE SÁ FARIA.—It is a copy of the original: ANTONIO DE ALDAO.

*(The following notes are on a loose sheet.)*

Señor Piron: Will Your Honor try and send me the duplicate letter of Viceroy of Buenos Ayres, dated on the fifth of February, one thousand seven hundred and seventy nine, number ninety-four?—Señor Don Joseph: it is the one I enclose.—Will Your Honor see if the maps can be found, asking Sur-

billes for them if they are not down stairs ?—Señor Don Joseph : I send Your Grace the maps in a separate roll, the same as they were found in a corner of the office of the Secretary.—This duplicate has been authenticated and filed because its original which was sent on May twenty-eight, one thousand seven hundred and seventy nine, has been mislaid.—My friend and master : I return to Your Honor the letter from the Viceroy of Buenos Ayres and the Report of Brigadier Faria, and also the accompanying maps, having found those that Your Honor had previously sent.—Awaiting Your Honor's commands, your most obedient servant.—ESCARÁN.

Your Excellency :—I remit to Your Excellency, by the King's order, the accompanying letter from the Viceroy of Buenos Ayres, including the Report of Brigadier Don Joseph Custodio de Sá, made by his order, with the two maps that set forth the inconveniences that would result from establishing the boundary line through the designated districts ; in order that Your Excellency taking charge of this matter, may have decreed whatever is deemed proper, and may notify me of the results.—God save, etc., Aranjuez, May the twenty-eighth of one thousand seven hundred and seventy nine.—Señor Conde de Florida Blanca.

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**Royal Letter Patent given to the Viceroy of Buenos Ayres, dated at Aranjuez, May 28th, 1777.**

Acknowledging receipt of his letter of February the fifth last, number ninety-four, and a copy of the Report, with the maps made by Brigadier Faria, which set forth the difficulties that would occur by establishing the boundary line, which he designates ; and he is notified that he will be advised of His Majesty's resolution.

Together with a letter from Your Excellency of the fifth of February of this year, number ninety-four, the copy of the Report, was received, which by your order was made by Brigadier Joseph Custodio de Sá y Faria, with the maps that set forth the difficulties or inconveniences that would result by establishing the boundary line through the designated districts ; the King reserves his decision, of which Your Excellency will be advised. The Lord save, etc.—Aranjuez, May the twenty-eighth, one thousand seven hundred and seventy nine.—To the Viceroy of Buenos Ayres.

1782

**Report of the Count of Florida Blanca on the opinion of Brigadier Don Joseph Custodio de Sá y Faria, and the interpretation of the boundary line of the Preliminary Treaty with Portugal. (\*)**

Your Excellency.—With official note of the 28th of May 1779, I addressed to Your Excellency a letter from the Viceroy of Buenos Ayres dated February the 5th of that year, No. 94, enclosing an opinion of Brigadier Don Joseph Custodio de Sá y Faria and two maps, which demonstrate the difficulties that would arise from establishing the boundary line through the districts designated: the time has now arrived for settling this point, as urged in a letter from the said Viceroy, of September 30th of the past year, therefore I remind Your Excellency of this matter, in order to be informed of the resolution that may have been adopted, and advise the said Viceroy of it. God save, etc.—El Pardo, January 13th 1728.—To Señor Conde de Florida Blanca.

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Your Excellency.—In a note of the 13th of January of this year, Your Excellency reminds me of an official note that you sent me on the 28th of May of the preceding year, sending me a letter from the Viceroy of Buenos Ayres, accompanying an opinion of Brigadier Don Joseph Custodio de Sá y Fa-

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(\*) This is a translation from the original document existing in the General Archives of Indies, which, in a copy duly legalized by the United States Consul at Seville, forms part of group D, No. 8, of the manuscript documents of the «Argentine Evidence.» The explanatory notes of the Count of Florida Blanca, which are in the margin of the original document, will be printed at the foot of the corresponding pages.

ria respecting the difficulties which they believe would arise from tracing the line of boundaries in South America through the places prescribed in our last treaty with the Court of Portugal, and setting down, on one of the maps sent with the aforesaid opinion, the localities through which in his judgement the line should be drawn.

To the end that Your Excellency may inform the Viceroy of Buenos Ayres, and he, in his turn, our Commissioners, of the true letter and spirit of the Preliminary Treat of Limits, I will explain how it must be understood, I think I can best do so, by putting down here Articles IV, VIII and XVI, as they appeared in print, and the explanatory notes on the margin of each one.

IV Article.—To avoid another source of discord between the two Monarchies, such as has been the entrance to the Lagoon de los Patos or Rio Grande de San Pedro and following it up its source as far as the River Yacuí, whose two banks and navigation have been claimed by both Crowns, it has now been agreed upon, that the said entrance and navigation shall remain the exclusive property of Portugal, its domains extending along the southern bank up to the Tahim Brook, continuing along the banks of Lagoon de Manguera in strait line to the sea, and on the Continent, the line will go from the banks of the said Lagoon de Merin, taking a route along the first southern brook which enters its outlet or mouth, and that runs nearest to the Portuguese Fort of San Gonzalo, whence the Portuguese possessions will continue, without overstepping the limits of the said brook, along the head waters of the rivers which run towards the aforesaid Rio Grande and towards the Yacuí (1) until passing above those of the rivers Ararica and Coyacuí, which shall remain in the Portuguese part, and those of the rivers Piratiní and Ibimíní which shall remain in the Spanish part, a line (2) shall be traced which shall cover the Portuguese settlements as far as the outlet of Pepirí-guazú river into the Uruguay; and *which shall also save and cover the Spanish settlements and Misiones on the same Uruguay, which shall remain in their present condition, as possessions of the Spanish Crown*; recommending to the Commissioners who are to execute this line of demarcation to follow along its entire length the direction of the mountains along their tops or along the rivers if there are any suitable: and to make of the headwaters and sources of these rivers the boundaries of one and the other possessions in all places *where it can be done*, so that all the rivers that rise within one possession and run towards it, shall remain in favor of that Power, this can be done on the line (3) that is to run from the lagoon Merin to the Pepirí-guazú river at

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(1) It does not say that the Yacuy shall altogether belong to Portugal.

(2) Nothing is said of the line being necessarily straight.

(3) The expresions underlined and crossed in this Article and in the XVI, prove that the line of demarcation, pointed out by Brigadier Sá, was thus imagined by him, inasmuch as the limits and rivers, herein indicated and in the instructions, are not prejudicial to our saving our settlements and pastures.

which place there are no large rivers, crossing from one country into the other, *because wherever such occur, this method can not be employed*: as it is evident, and such one will be followed as is specified for each respective case, in other Articles of this Treaty, *for the purpose of saving the properties and principal possessions of both Crowns*, His Catholic Majesty in his own name and on behalf of his heirs and successors cedes in favor of His Most Faithful Majesty, his heirs and his successors, each and all rights that may pertain to him over the territories which, as is explained in this Article, shall belong to the Crown of Portugal.

VIII. Article.—Whereas the possessions of both Crowns are already marked out up to the entrance of the Pepirí river or Pepirí-guazú into the Uruguay, the high contracting parties have agreed that the line of demarcation shall continue up the said river Pepirí, to its principal source, thence over the highest part of the land, according to the rules laid down by Article VI, it will continue until *it meets the waters of the river San Antonio* (4) which empty into the Grande de Curitiba, otherwise called *Iguazú*, continuing along this, down the river, to its entrance into the Paraná on its eastern bank, thence to continue up river, along the said Paraná, to its junction with the river Ygurei on the western bank.

XVI. Article.—The Commissioners, or persons appointed, on the terms explained by the corresponding Article, besides the rules established in this Treaty, will bear in mind in all cases not specified in it, that their object must be, in tracing out the boundary line, the reciprocal security and perpetual peace and tranquility of both nations, and the total extermination of the smuggling operations that the subjects of the one may carry on, in the possession or with the subjects of the other; therefore in view of these two objects, they shall be given the corresponding orders to avoid disputes, *that may not be directly prejudicial to the present possession of both Sovereigns*; to the common or exclusive navigation of these rivers, or the canals, according to the agreement in Article XIII, or *to the plantations, mines or pastures at present in their possession that are not ceded by this Treaty* (5) for the benefit of the line of boundaries: as it is the intention of both August Sovereigns, in order to attain the true peace and friendship which they hope will be perpetual and close, for their reciprocal repose and the good of their subjects, atten-

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(4) Nothing is said about the necessity of meeting them in straight line, nor in front; it is sufficient for the meeting to take place in those regions in order to descend the waters of the Iguazú; but *saving the present possessions of both Sovereigns, and the plantations, mines or pastures at present in their possession that are not ceded*: as stated in Article XVI, and it is very plain, that Article VIII does not cede the two pueblos of Spaniards and Indians mentioned by Brigadier Sá.

(5) Ceded specifically, stating, the land, pueblo, pasture, coasts or place of cession.



tion shall only be given in those vast regions through which the line of demarcation shall be drawn, to the *preservation of all that, which may remain in possession of each by virtue of this treaty, and the final one of boundaries*, so arranging these, as to avoid for all time all causes of doubt and discord,

Your Excellency will infer from the above, and will kindly so inform the Viceroy of Buenos Ayres, that the line of demarcation to be traced and the one agreed upon, is no other than that one which shall clear the belongings and shall save the respective possessions, to which end the rivers are indicated, except in those cases where there has been a *de facto* cession of some place, pueblo or territory, as those *de jure*, will not suffice, except in those cases, when the part to whom the cession is made was already in possession. I have fully notified of all this the King's Ambassador at Lisbon, so that he may obtain from that Court orders in accordance with what I have stated to Your Excellency.

It is impossible to foresee all the difficulties that may occur to the Commissioners of both Crowns when they be upon the ground, but if they attend to the true spirit and meaning of the Treaty, if they succeed in obtaining that the subjects of their respective sovereigns shall remain in possession of those grass lands, plantations, mines and pastures, that are necessary to them, and if they proceed in good faith in carrying out their Commission, if they come to some agreement among themselves, which shall not be injurious to their August Masters, saving their present possessions, they will avoid troublesome disputes, from which the least injury that could result, would be the loss of time. God save Your Excellency many years as I wish.—Aranjuez, April 6th 1782.—The COUNT OF FLORIDA BLANCA.—To Señor Don Joseph de Galvez. (The following decree is found on the margin). "Give orders to Vertiz including in them this paper and its notes, requesting him to send it to our Commissioners that they may act in accordance.—Dated April the 7th."—(Besides this is a small paper that says): The investigation was consulted upon by the Junta, and in view of the proposal of the Court of Portugal.—To be sent with official note to Señor Florida Blanca.

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**Royal Letter Patent to the Viceroy of Buenos Ayres, dated the 7th day of April, 1782.**

Acknowledging receipt of his letter of February fifth of seventy-nine, number ninety-four, with which he accompanied the opinion of Brigadier Don Joseph Custodio de Sá y Faria, together with two Plans which set forth the difficulties that would arise from establishing the boundary line through the districts designated, notifying him that he is to inform our Commissioners of the contents of the official note, which in view of these documents the Minister of State has sent to this Secretarial office, and which is herein inserted, in order that they may carry on their operations conformably to it, employing to this end the Frigate Lieutenant Don Miguel Rubin de Celis,

in case they deem him useful thereto, notwithstanding the arrival of the officers who were appointed to those duties.

In view of Your Excellency's letter of the fifth of February, one thousand seven hundred and seventy nine, number ninety-four, with which you accompanied the opinion of Brigadier Don Joseph Custodio de Sá y Faria, together with two plans that set forth the difficulties that would arise from establishing the line of demarcation through the districts designated ; the Count of Florida Blanca has sent to me, with yesterday's date the official note, which I herein insert, of whose contents, by the King's command, Your Excellency must inform our Commissioners, that they may act in accordance in all their operations.—To His Excellency, etc.—To be copied literally, placing on the margin of this order the notes that appear in the official note in the same manner.

In view of the above-said, and of the probability that the officers appointed to carry on these operations, together with all the instruments necessary, shall have arrived at that place, there is nothing further that I can state to Your Excellency in answer to your letter of September thirtieth of the year last past, number five hundred and thirty six, except that if you deem necessary, notwithstanding the arrival of the said officers, to employ the Frigate Lieutenant Don Miguel Rubin de Celis, whom I have chosen on account of his knowledge of mathematics, astronomy and his general learning, Your Excellency may make use of him, in view of these circumstances, as one meets with few persons possessing these qualities. Your Excellency will advise me to that effect, in order that I may notify the Ministry of the Navy. God save Your Excellency, etc.—Aranjuez, April seventh, one thousand seven hundred and eighty two.—To the Viceroy of Buenos Ayres.—Made in duplicate.



1787-1790

**LETTERS**

**from the Surveyors Varela, y Ulloa and Alvear, upon the  
Operations on the Boundary Line. (\*)**

YOUR EXCELLENCY:—By Your Excellency's official note of the twenty-seventh of June last, which I have just received, I am notified that this second subdivision is the one that is to survey the Pepirí-guazú river. Immediately such measures will be taken that will lead to the fulfilment of Your Excellency's decision. The difficult phase presented by this work, truly difficult in this part of the San Antonio river, convinces us that to bring it to a close, we will be obliged to go to the Misiones of the Uruguay, which also presents no light difficulties.

Nevertheless, on the nineteenth instant, Don Andres de Oyarvide with his detachment, had already penetrated to within a very short distance of the headwaters of the aforesaid San Antonio, where he was trying, before going on, to make a small hut for depositing provisions, and keeping open his communications, so far all the events of the voyage had been sufficiently happy, for although two canoes upset among the furious rocky ledges of the Iguazú, as the crew were experts, they saved themselves in the same canoe, without other accident than the loss of some straw matting, some arms and

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(\*) These are translations from the original documents, which form part of group D No. 9, of manuscript documents of the "Argentine Evidence."

provisions. Five other canoes sail to-day from this camp, carrying fresh supplies, part of those that have just reached us from the pueblos, and that we owe to the efficacy of their Governor, Don Bruno Zabala. God save Your Excellency many years. Barra del Iguazú, September twenty-seventh, one thousand eight hundred and eighty-eight.—Signed, DIEGO DE AL-BEAR. To His Excellency, the Viceroy Marquis de Loreto.

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YOUR EXCELLENCY:—The Serjeant of Dragoons, Manuel Perez, that Your Excellency sent on the fifteenth of last June to substitute the one of like class, Bernabe Ruiz, has not yet appeared. The latter, besides the practice acquired during the seven years that the expedition has lasted, that makes him fulfil with ability all his duties, is at present engaged in managing the branches of the Royal Treasury in our camps of Ñucoraguazú and Uruguay, thereby aiding properly and intelligently the parties of experts destined to the surveys of the rivers. I know not if the one that is coming will be able to discharge these duties as well. Furthermore, the same Ruiz being obliged to procure here the provisions, and to ship them, he cannot engage in the other work ; and we have no one else on whom to fall back. Therefore, the service may suffer some detriment, and I desire that Your Excellency would leave to my discretion the changing of the resolution, if it were convenient. I also request Your Excellency to send us, as soon as possible, twelve dragoons and a Corporal to substitute those whom the Surgeon Don Felix Pineda says cannot continue the fatiguing and hard work, which is to be undertaken ; this is what I expect and hope from Your Excellency's well known zeal in His Majesty's service.

I must notify Your Excellency, as there is time for no more, that Colonel Roscio refuses to continue the survey of the true Pepirí-guazú, according to Your Excellency's orders, as I asked him to do on the sixth instant, seeing that he made no movement, in spite of the great preparations in which he saw me engaged. He renews in his very lengthy official answer, just received, all the old disputes that have occurred in this respect ; he desires and contradicts our most solid reasonings, without alleging new reasons, and, in the supposition that the explorations of the rivers Pepirí-guazú, San Antonio, Iguazú and Paraná have been carried out already, he urges me to sign the Plans, to agree to the demarcation of Article VIII, and consequently, to make the instruments of ratification prescribed in the Preliminary Treaty.

I do not know how far he will go in this delicate and risky matter ; I, nevertheless, remain disposed to maintain the rights of the nation, and carry out my orders. But the next mail I will inform Your Excellency of all that may have been done ; meanwhile, I desire to know if on our part we are to continue with the aforesaid survey of the Pepirí-guazú, which I am inclined to do, even in case of my co-Commissioner not yielding or agreeing to it, together with all other orders that Your Excellency may be pleased to give

me. God save Your Excellency many years. San Antonio, September eleventh, one thousand seven hundred and ninety—His Excellency.—DIEGO DE ALBEAR.—To His Excellency the Viceroy Don Nicolás de Arredondo.

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Your Excellency :—I have been unable to get my co-Commissioner to take charge of the exploration and survey of the Pequirí or Pepirí-guazú river. In the belief that this work belongs to the second sub-division, he has notified the Viceroy of Janeyro of our petition, and he awaits an answer from that chief in order to give me a positive answer on the subject. I send Your Excellency this information in accordance with your orders of the twentieth of April last. God save Your Excellency many years. San Martin in the Monte Grande, first of September, one thousand seven hundred and eighty seven.—His Excellency.—JOSEPH VARELA Y ULLOA.—To His Excellency the Marquis de Loreto.

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Your Excellency :—As soon as we arrive at the point where the Pepirí-guazú may fail to be navigable, I will endeavor to start an armed party over land, made up of both the subdivisions, to follow with the geographers along one of its banks as far up, as possible, and make a plan of the surrounding country, in the manner prescribed in your letter of December the twenty-eighth of the year last ; and although I consider that this step will be as useless as the former, I will nevertheless promote and push it heartily at the proper time, as I fully appreciate the fact that my first duty is to obey Your Excellency's orders without inquiring as to the final results.

From the opposition manifested by my co-Commissioner to our survey of the said Pepirí-guazú, and from the decisive manner in which he expressed himself on this subject, Your Excellency infers that all his thoughts are directed to retarding the survey ; the truth of this is as patent to me as it is to Your Excellency, although at the same time I fail to understand the reasons that Your Excellency has had for supposing that this subdivision has been idle for a long time at Post San Martin, *losing that time best adapted for working and progressing*; while on the contrary, since the work of surveying was begun, during no single year has more work been done, of which Your Excellency will be convinced by the news that I shall communicate.

Shortly after the Portuguese arrived at the Piray, and the start for San Borja of Colonel Don Francisco Juan Roscio, the engineers and geographers of the first subdivision started to survey the headwaters of the river Icacavacú, which empties into the lagoon of Los Patos. Having finished this work, they began a like survey over the crest that separates the waters of the Yacuí and the Uruguay, and they carried it on, on the East as far as the river Araricá, which has its origen in the Monte Grande, and on the West as far as the headwaters of the river Toropí, which are situated about fifteen leagues North of the said mountain. This work occupied the time until the middle of May of last year, one thousand seven hundred and eighty seven,

when it was necessary to suspend them on account of the rigor of the season, the frequent fogs, and above all, on account of the debility and weakness of the horses, which could no longer bear the marches and other fatigues involved.

My co-Commissioner, as I informed Your Excellency, wanted to spend the winter with the whole staff of his party in the town of Rio Pardo, and as I desired to make him change his mind on this subject, which was so prejudicial to the survey, I purposely remained at Post San Martin, with the object of preventing him from leaving the camp that he had established on the other side of the Monte Grande. I, finally, succeeded in my project, and, therefore, we immediately set out to survey the ground which had been explored; the search for stones to make the ten marks of the proper height was begun, and not finding any in the neighborhood, I gave orders to extract them from the quarries in the pueblo of San Luis, and they were brought with no little difficulty to the place in which we were encamped. In the meanwhile the engineers were engaged in comparing the plans with the Journal, in order to reduce them to a smaller scale; and when every thing was ready in the month of September, it began to rain in such a manner, that we could not communicate with the Portuguese for over forty days, during which period the waters were so high and the current ran so rapidly in the Ibicuí-mini, that it was impossible to cross it.

During the beginning of November the rains ceased, the Ibicuí-mini went down, the marks were taken to the other side of the Monte Grande, the engineers of both sub-divisions were charged with placing them in the localities that had been marked on the Plans by my co-Commissioner and myself, and at the same time the geographers started out to survey the lands that extend between San Martin and the border of the Uruguay, which work is so far advanced at present, that I am already giving the necessary orders for the entrance into the Pepirí-guazú that we must soon make.

The above is that which was done at Post San Martin, which, after mature consideration, is much more than could be expected, not alone because of the slowness of the Portuguese and the frequent doubtful points that they raise. but because of the difficulties of travelling in these desert places and the want of facilities in which we frequently find ourselves; the above leads me to flatter myself in the hope that Your Excellency will find nothing to censure in our operations. God save Your Excellency many years. Pueblo de San Juan Bautista, February twelfth, one thousand seven hundred and eighty eight.—His Excellency.—JOSEPH VARELA Y ULLOA.—To His Excellency the Marquis de Loreto.

**Letters from the Spanish Commissioner Señor Varela y Ulloa,  
stating to the Portuguese Commissioner the reasons  
upon which are based the differences of opinion  
existing between them, regarding the demarcat-  
ion of the Pepirí river. (\*)**

Before expressing to Your Excellency my opinion regarding the manner in which should be drawn the boundary lines of both nations, from the southern brow of Monte Grande to the confluence of the Pepirí and Uruguay rivers, I deem it best to throw light upon some points which are not clearly defined in the maps recently drawn by the engineers and geographers of these two subdivisions, a measure which is indispensable to the conclusion of this important undertaking thereby showing the care which have always characterized our proceedings. The lack of conformity which is shown in our maps, is due in part, to the fact that the Spaniards and Portuguese give different names to the same streams, which is liable to produce confusion when the moment arrives for the Courts to make use of these documents. The best way to obviate this inconvenience, is to insert in such map a notice expressing all the points of difference, but if this expedient should not meet your Excellency's approval, I agree in advance to any other that should be suggested, as my object is merely to facilitate for both Sovereigns, the solution of said difficulties, and the definite demarcation of the boundary line between their dominions, being mindfull of their sincere aspiration for the

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(\*) This is a translation from the original document existing in the Central Archives of Alcalá de Henares which, in a copy duly legalized by the United States Consul at Madrid, forms part of group D, No. 10 of the manuscript documents of the "Argentine Evidence."



perpetual peace and tranquility of their subjects. Another difference of greater importance is to be found in the same maps, regarding the true situation of the Pequirí or Pepirí river, along whose course must be drawn the line of separation, according to the Boundary Treaty of 1750, and afterwards the treaty of 1777. Your Excellency supposes that this river Pepirí is the one which was regarded as such by the Commissioners who made the past demarcation, in which I believe that said Commissioners committed a very grave error, and that the true Pepirí is the deep and wide river flowing into the Uruguay through the northern bank, at a distance of about eighteen miles above the place where the Uruguay-pitá flows, a part upon which the doubts can not be raised, after taking into consideration what is said by the already mentioned Commissioners in their Journal, from the 5th to the 8th of March, 1759, inclusive. I enclose a copy of this Journal for the better understanding of what I am going to relate. When the guide of that expedition assured them that the Pepirí was the first river which runs into the Uruguay, through its northern bank, after passing the great Fall, the Commissioners of both parties did not fail to evince some surprise, because in the map which had been given them by the Courts to regulate their action, the Pepirí was marked at a much higher point, beside being placed above the Uruguay-pitá, and not below this river as the guide mentioned. In this doubt the Commissioners decided to follow the course of the Uruguay, with the view of discovering if the information was correct which the guide gave regarding the river Apiterebí and Uruguay-pitá which were further on, judging that by this method, a true conception could be had of his knowledge and the truthfulness of his words ascertained. This resolution once taken, the artronomers and geographers of both nations started in their respective canoes; and having proceeded for a little over a league, the guide showed them in the northern bank, the mouth of a river which he said was the Apiterebí, and at the same distance, up stream, he showed them in the opposite bank the mouth of another river which he said was the Uruguay-pitá, assuring them that this was the last river that he had reached on an expedition which he had personally made with the Indians of his village to a place called the Espía. The Commissioners candidly believed that the Uruguay-pitá was the river to which they had been conducted by the guide, and even measured the width of its mouth, took several sounding lines, and examined the color of the waters; but with all this, they were not satisfied, that the river they had left behind was the Pepirí, for which reason they decided to follow further the course of the Uruguay up stream, to see if they could not find in its northern bank, the mouth of some deep and wide river which should conform better with the situation given to the Pepirí in the map of the Courts. The Commissioners proceeded for about four miles, when they found a fall of a height of one fathom, from which the water descended with such impetuosity that they found it very difficult to cross the canoes to the other side; and thinking at the same time that from there upwards, the deep and wide river which they were seeking could not be found, they returned to the headquarters of the parties where was drawn and signed the instrument

recognizing as the Pepirí, the river which the guide had indicated. No doubt can be entertained that the late Commissioners acted in this instance against the mind of the two Sovereigns, and against the faith of the map which had been remitted to them by the Courts with orders to act in conformity with the same, whenever it agreed with the topography of the ground.

In effect, they recognized as the Pepirí a river which is situated down the stream from the Uruguay-pitá, while said map places it up stream and at a considerable distance, as I can prove by a copy of said map, which is in my possession. Let us now examine the reasons which prompted the Commissioners to act as they did. Don Joseph Fernandez Pinto Alpoym, whose testimony Your Excellency cannot doubt, makes it understood that one of the reasons which induced them to accept as the Pepirí the river which the guide indicated, was the opinion entertained by the Commissioners, astronomers and geographers of both nations, that it was impossible to discover further on, any river whose situation should conform better with the Pepirí represented in the map of the Courts. This conjecture is destitute of all foundation, because the geographers of these sub-divisions, having followed with great care and constancy the course of the Uruguay for the same purpose, found in its northern bank and beyond the supposed Pepirí, several wide and deep rivers, among which there is one corresponding exactly to the one marked in the map of the Courts, the mouth of which river is no less than one hundred and ten fathoms wide. Alpoym adds afterwards that before leaving the village of San Francisco Xavier, the guide maintained that he not only reached the Pepirí but also the Uruguay-pitá, which was further on, and that in effect his information was found to be correct, not only regarding the latter river, but also the Apiterebí, from which Alpoym inferred that as the guide was acquainted with these two rivers, he must also know about the other one designated by the name of Pepirí. In all this the guide was grossly mistaken, because the river whereto he led the Commissioners, as being the Uruguay-pitá, was not such a river. The river to which he led the Commissioners is situated down the stream eight leagues in a direct line from the true Uruguay-pitá, and it does not spring from the general chain of hills, but from a mound which divides the waters of the Iyúi-guazú and the Uruguay, as has been recently ascertained by our geographers; a circumstance that in itself is more than sufficient to evidence the ignorance of the guide, of which fact it can also be inferred, by a process of logic similar to that employed by Señor Alpoym, that as the guide had no knowledge of the Uruguay-pitá he did not either have any knowledge of the Pepirí. The same Commissioner says finally that the truth of the guide's assertions was verified by some printed maps and other manuscripts belonging to the Indians, in which the Pepirí was supposed to be situated down the stream of the Uruguay-pitá. It is really very surprising that a Boundary Commissioner should cite anonymous maps and Indian manuscripts in support of his opinions, when he had in his possession such an authentic document as the map of the Courts, drawn by competent persons versed in the science of geography, and with such good material that it was used by the Plenipotentiaries who cel-

celebrated the treaty of 1750. The late Commissioners should have been guided by this map, placing more faith and credit in it than in the guide, whose knowledge of the Uruguay was so erroneous and false, as I have just expressed it to Your Excellency. All these mistakes of the late Commissioners were due to the fact of their not having explored the Uruguay sufficiently. In fact, if they had crossed the fall of one fathom in height, and gone further, as our geographers have done, they would have found at a short distance the Uruguay-pitá, a wider and deeper river than the other to which the guide had arbitrarily given that name, and so situated that they could not have failed to recognize that it was the only river which confronts with the Yacuí, Iyui-guazú and the rivers which flow from the Vaquería towards the dominions of Portugal, these being the marks by which the Uruguay-pitá has always been recognized. Once discovered in this manner the ignorance of the guide, the Commissioners should have continued the navigation of the Uruguay, in which case they would have found in its northern bank a river with all the characteristics or signs of the Pepirí, which they were seeking. The mouth of this river is one hundred and ten fathoms wide, and consequently deserves the name of « *caudaloso* » (deep and wide), which cannot be given to the false Pepirí, because it is very narrow and is nearly dry in the summer, as has been ascertained by our geographers. Besides this, the real Pepirí is situated against the stream from the Uruguay-pitá, at the same distance, more or less, marked in the map of the Courts; and finally it has a reef very near its mouth which the late Commissioners sought in vain to discover, and not at a distance of half a league, as the reef of the false Pepirí, of which mention is made in the journal of Don Joseph Fernandez Pinto Alpoym. It being then evident that the river Pepirí represented in the map of the Courts is the wide river situated six leagues in a direct line against the stream from the Uruguay-pitá, and also that the demarcation from the mouth of the said Pepirí to the confluence of the Ygurey with the Paraná, is precisely the same in the treaty of 1750 as in the treaty of 1777, I find myself obliged in virtue of the charge with which I am invested, and in the fulfilment of my duties, to request that Your Excellency recognize this river as the boundary between the dominion of His Catholic Majesty and of His Majesty the King of Portugal, which recognition I trust to obtain, if Your Excellency should read this note with impartiality and act in the matter with the probity and good faith which has been so much recommended to us. God keep Your Excellency for many years.—Pueblo de San Juan Bautista, the ninth of January, one thousand seven hundred and eighty-nine.—JOSEPH VARELA Y ULLOA. —Sor. Don Sebastian Xavier da Veiga Cabral da Cámara. It is a copy.—VARELA.

**Second Letter of Commissioner Varela y Ulloa. (\*)**

The general plans of our demarcation being finished, and ready to be signed, I proposed to Your Excellency in my letter of the 9th instant, that before proceeding with the formality of signing these, we should throw light upon the points which are not clearly defined in these plans; and in the reply of Your Excellency, dated the following day, I find, by way of introduction, a long narration of every thing which took place in regard to the survey of the Uruguay, recalling to my mind the failure of the first attempt made by the geographers to find the Pepirí; also the instructions which they received from us, and those which were given to them the second time, these instructions being taken, as the first, from the Journal of the late demarcation, which was utilized by Your Excellency and myself, to formulate said instructions; and following these assertions, which were not new to me, Your Excellency writes long, trying to persuade me that since the return of the geographers to this village, we had solemnly and formally agreed that the true Pepirí marked as the boundary between the dominions of His Catholic Majesty, and those of His Majesty the King of Portugal, was the river which the Commissioners of the second party of the late demarcation recognized by that name; when it was so much the contrary, that on September 15th of last year, I wrote to His Excellency the Viceroy of Buenos Ayres, informing him of the error incurred in this case by the already mentioned Commissioners, writing also in identical terms to Lieutenant Diego Albear, which letters, with their respective answers, I will be glad to furnish, if Your Excellency should care to read them; which authorizes, me to say to Your Excellency that, although I am incapable of showing less respect than I owe Your Excellency for your character and other reasons, I have abundant right to ask Your Excellency to be more measured in addressing me, and to abstain from attributing to me acts or speech never having crossed my imagination, and which cannot be believed unless Your Excellency should prove that I have been of two minds, writing in one way to His Excellency the Viceroy of Buenos Ayres, and speaking in another in my conferences with Your Excellency; such disorder and confusion not being possible in my mind, though it be but poorly balanced. The most curious of all is that Your Excellency had many doubts regarding the Pepirí of the late Commissioners, a fact which I might prove, if Your Excellency should furnish me with the correspondence maintained with His Excellency the Viceroy of Brazil, and with Colonel Don Francisco Juan Roscio, as I offer to furnish that which I have had with His Excellency the Viceroy of Buenos Ayres and Lieutenant Diego Albear, but not having the power to demand this sacrifice from Your Excellency, I shall content myself by recall-

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(\*) This is a translation from the original document existing in the Central Archives of Alcalá de Henares which, in copy duly legalized by the United States Consul at Madrid, forms part of group D, No. 11, of manuscript documents of the "Argentine Evidence."

ing something which certainly has escaped Your Excellency's memory, and that is, that from the second entrance of the geographers into the Uruguay, Your Excellency became so convinced that our predecessors had made a mistake regarding the Uruguay-pitá, that Your Excellency ordered this mistake to be corrected in the map ; and, in effect, the name of Uruguay-pitá of the late surveyors, was given to the river taken for such : and the name of *True Uruguay-pitá* was given to the wide and deep river situated eight leagues upwards.

This first mistake being corrected, I had hoped that Your Excellency would recognize as the Pepirí, the river which I indicated in my last letter as I was led to believe Your Excellency would do, in virtue of the uprightness and impartiality which we are instructed to observe in all our proceedings, and the knowledge of the Uruguay river which Your Excellency has received from the reports of the experts of the late demarcation in which very circumstantial mention is made regarding this point. But seeing that Your Excellency failed to recognize the mistake made by the late Commissioners regarding the true situation of the Pepirí river, although recognizing their mistake regarding the situation of the Uruguay-pitá, I determined to treat this matter with Your Excellency at a very opportune and proper moment, when the maps were finished and ready to be signed, being the only requisite wanting to forward them to the Courts.

Much to my sorrow I have been led to all this discourse by the introduction of Your Excellency's letter, without as yet having touched upon the principal proposition of my letter of the 9th instant, which can be reduced, as I have already stated, to only two points : the first, requesting that a notice be inserted in each map, specifying all the points of difference existing between them, for the benefit of the Courts ; and the second, asking that Your Excellency recognize and adopt as the true Pepirí, the river that flows into the Uruguay by its northern bank, six leagues against the stream from the Uruguay-pitá, as that is the only river which agrees with the river of the same name represented in the maps of the Courts ; this reasoning being confirmed by other reasons which I stated in my last letter in support of this proposition.

Your Excellency does not reply in a direct and satisfactory manner to the first proposition, but tries to satisfy me, saying that the points of difference existing in the two maps, are insignificant. In the estimation of Your Excellency they may be insignificant, but as I do not judge them as such, I must insist upon my demand that the notices be inserted, on the understanding that without them, I shall not be able to sign. In regard to the second proposition, Your Excellency sustains that the true Pepirí is the river which the late Commissioners recognized as such ; and as by the Journal of the same, the mistake which they made can evidently be proven, Your Excellency does not touch upon this point, but impugnes my arguments with others without foundation, and so contrary to well known geographical laws, that I am compelled to analyze them one by one, and make such commentaries upon them as their nature may suggest.

It is true that by the preliminary treaty of 1777 it is ordered that the boundary line must be drawn by the river Pepirí or Pepirí-guazú up to its principal source, following from there the highest points of the ground and reaching the current waters of the river San Antonio, which flows into the river Grande de Curitiba, known also by the name of Iguazú, but it must be borne in mind that the Courts had before them, as a guide for the determination of the boundary line, the Journal of the late demarcation, in which it is erroneously supposed that the true Pepirí is the river confronting with the San Antonio. I say erroneously supposed, because as I stated in my letter of the 9th instant, the river which the late Commissioners recognized as the true Pepirí, is not such, the right river being the one situated about six leagues to the East, and which has all the signs that they were seeking, being a deep and wide river, situated up the stream from the Uruguay-pitá, and with a reef very near its mouth. As the Courts were not aware of these facts when the already mentioned preliminary treaty was drafted, they could not act in conformity with them, in the determination of the boundary, and ordered, as it was natural, that the line be drawn by the waters of the true Pepirí, and by the waters of the nearest of the rivers which flow into the Iguazú, according to the stipulation made by Article V of the Treaty of 1750, but I do not doubt that this will yet be realized, on the strength of my reports; the reasons which assist me, being so clear, that the efforts of Your Excellency to obscure them, are bound to fail.

I do not speak of the rivers by which it is convenient to draw the boundary line, but of those through which the treaty orders that this line must be drawn, and for this reason I say to Your Excellency that the Chuí, the Tahim and any other stream as small as these two, must be taken for the limit when the Sovereigns so orders, and when the conditions of the ground are such that they make it impossible to select for boundary purposes, a wider or better known river. This matter, however, is entirely foreign to the question at issue, which, in my humble opinion, is clearly set forth in my previous communication, in which I pointed out, with perfect clearness, the mistake made by the Commissioners of the late demarcation, admitting as the Pepirí, a river which is not the Pepirí, acting against the faith of the map of the Courts, and with no other foundation but the belief they entertained that the guide had some knowledge of the Uruguay-pitá, and that from this river upwards, no other could be found having the signs looked for us, pertaining to the Pepirí: both suppositions being erroneous and false, as proven by the Journal of our geographers, which shows that in the late demarcation the Uruguay-pitá was not reached, but a river which is eight leagues downwards, and that, from it upwards, many wide rivers are found in the Uruguay, and one in particular which entirely conforms with the Pepirí, represented in the map of the Courts, and which would have been recognized as such, if the already mentioned Commissioners had reached it. What they failed to do then, we should now accomplish, not only for the fulfilment of our trust, but also for the obligation which we have of making exact and individual maps of the frontier, correcting geographical errors whenever they are to be found. As

Your Excellency cannot disavow the justice of what I have stated, it is clear that the refusal to accept my propositions, must be due to the invincible passion of Your Excellency to contradict me.

The second survey of the Uruguay being completed, Your Excellency and I, thought, as well as every one else, that the river to which the opening led was the Uruguay-pitá, and this name was consequently given to it in the maps, and although I perceive that Your Excellency already begins to doubt, and does not know by what name to call it, I do not desire to enter upon a lengthy discussion of this point, and shall limit myself to say to Your Excellency that the Indian of San Angel and San Luis, also the guides of the two nations and generally the Spaniards and Portuguese acquainted with these places, do not know any other Uruguay-pitá but the river of our opening, which at no time was considered to be superior to, or wider than the Pepiriguazú, as shown by the Journal of the late demarcation.

As the river which is the object of our dispute seems to be rather wide, Your Excellency has supposed that its source must be at a distance of more than seventy leagues, basing this supposition upon such a novel and curious theory, that no trace of it can be found in the writers of geographical works and works of Natural History. In effect, Your Excellency supposes that the length of the rivers which flow into the Uruguay are in the proportion to the width at their mouth ; this rule being continually contradicted in practice, as can be proven by many examples, among which may be cited the one presented by the Ibicui-guazú, the mouth of which is 2,850 fathoms, so that, according to Your Excellency, the source of this river should be at a distance of 1,900 leagues from the Uruguay, while it is well known that the furthest distance at which the source of this river can be found, does not exceed 100 leagues. This shows what consequences must follow from the earnest desire of Your Excellency to defend your fantastic Pepirí.

I do not deny that the width of rivers depends upon the greater or shorter distance at which their sources are found, but there are other causes which contribute to produce the same result, principally upon which stand the topography of the ground, permitting rivers to receive latterally a more or less amount of water; but the river of which we are treating, not having been surveyed beyond a short distance, Your Excellency has no foundation to believe that it is as wide up the stream as it seems to be at its mouth.

It is more than probable that this river has its sources in the Cordillera, which divides the waters of the Yguazú and Uruguay. We are forcibly led to believe this by the constant direction of these two last rivers towards the West, also by their common origin in the high Sierras which cross the State of Brazil, and by their being both deep and wide, the first of them being two hundred and sixty-five fathoms wide and twenty-seven feet deep in the low season, facing the mouth of the San Antonio river, from which it must be inferred by the rules of good geography that a great portion of these waters must come to this river from the already mentioned Cordillera, and that from the same Cordillera some river must descend to the already mentioned Yguazú, confronting with the river of one hundred and ten fathoms which

flows into the Uruguay, *an opinion which would surely meet with approbation if Your Excellency should act with more impartiality in the matter.*

There are two principal branches of the Uruguay, according to Don Joseph Fernandez Pinto Alpoym's Journal: one of them called River de las Canoas, which is the deeper and wider of the two, and is crossed by the road that goes from San Pablo to Viamon, and the other called Uruguay-mini, or River de las Pelotas, which is crossed by the same road at a distance of eleven leagues from the first. The place where these two rivers meet is not yet well known, rivers which running at first through open country, afterwards enter into dense and almost impenetrable forests; but, in any case, it is certain that if the river in question is found at the confluence of the already named Uruguay-mini, it must be the River de las Canoas, in which event we would be confronted by such an extraordinary phenomenon that it would be impossible to explain it, and that is that the supposed River de las Canoas, main trunk of the Uruguay, would only have a width of one hundred and ten fathoms at its confluence with the Uruguay-mini, the width of this last river being at the same place almost three times as great, which is contrary to reason as well as to the laws of geography; and besides, no maps, ancient or modern, exist, in which this pretended confluence is placed so much to the West of the lands of the Vaquería and so near the Uruguay-pitá as Your Excellency supposes.

In regard to the rest, I agree with Your Excellency that the reports of our geographers deserve the best credit; but it is to be regretted that they have not seen the River de las Pelotas, nor are they aware at what point it enters the Uruguay, a circumstance which obliges me to say that Your Excellency must regard as false, or at least doubtful, all the suggestions that may have been received by Your Excellency on this subject.

The only way to resolve this problem is to enter into the river of one hundred and ten fathoms width, an undertaking with which I shall entrust, at an opportune moment, the Commissioner of the Second Sub-division, Don Diego Albear, and I promise Your Excellency, upon my word of honor, that, before proceeding far, the geographers will see that its course does not come from the Sierra of Brazil, but from the Cordillera of San Antonio, which would justify my opinion regarding what happened in the late demarcation, when, as I said to Your Excellency in my previous letter, the true Pepirí was not found because the Commissioners did not sufficiently ascend the waters of the Uruguay. It is not my intention to censure the conduct of the late Commissioners, but at the same time I must say to Your Excellency that the respect which I owe to their memory, or any other consideration, will not prevent me from making public the mistakes which they incurred, when I judge them prejudicial to the interests of His Catholic Majesty and to the Spanish nation. God keep Your Excellency for many years.—Pueblo de San Juan Bautista, the thirteenth of January, one thousand seven hundred and eighty-nine.—JOSEPH VARELA Y ULLOA.—Señor Don Sebastian Xavier da Veiga Cabral da Cámara. This is a copy.—VARELA.



### THIRD LETTER OF VARELA Y ULLOA. (\*)

With date of 16th, instant, Your Excellency agrees that notices be inserted in the general plans of our demarcation, stating all the points of difference existing between them which the engineers and geographers may observe, said notices to be inserted in the manner suggested in my letters of the 9th. and 13th. instant. I had expected a similar compliance from Your Excellency in regard to the wide river situated six leagues against the stream from the Uruguay-pitá, and which I submitted as the true and only Pepirí, hoping that the justice of my cause, and the clearness with which I expressed to Your Excellency the error incurred by our predecessors, would induce Your Excellency to recognize said river as the limit between both dominions; but as Your Excellency resists and always will resist, as stated in Your Excellency's already mentioned communication, to comply with this request, nothing remains for me to do, but to leave this matter in the hands of the Courts, as I do from this moment.

I would have limited my despatch to these words, if Your Excellency had not recalled to my mind, the examination and interrogatory to which we submitted the geographers after they finished the survey of the Uruguay. I am unable to understand what motive Your Excellency may have to repeat charges that I answered in my last letter, judging that they could be successfully refuted by the offer I made to show to Your Excellency the correspondence which I had had with His Excellency the Vice roy of Buenos-Ayres, and with Lieutenant Don Diego Albear, about the situation of the true Pequirí or Pepirí through which the boundary line must be drawn. But, as Your Excellency forces me to answer directly, I cannot do it in a better manner than by relating all that took place in regard to this affair, which in substance was as follows:—When the geographers first entered into the Uruguay, they made a mistake regarding the situation of the Pepirí, thinking that this river was one which is found nearly ten miles down the stream from the Uruguay-pitá, and acting upon this belief, Doctor Don Joseph Saldaña gave orders to clear the woods at one of the points of the said river, leaving there the following Latin inscription: "*Post facta resurgens-Pepirí-guazú-1788*" with the letters R. F., towards the East, as a sign that the lands situated in that direction belonged to the dominion of Portugal. As soon as the geographers returned here I discovered by the Journal of the Spanish geographers the mistake into which they had fallen, and it did not take me much time to convince them of this fact, in Your Excellency's presence, reading to them an extract of the Journal of the late demarcation, and of other papers and reports which I possess relating to this matter; consequently, Your Excellency, and

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(\*) This is a translation from the original document existing in the Central Archives, of Alcalá de Henares which in copy duly legalized by the United States Consul at Madrid forms part of group D, No. 12, of manuscript documents of the "Argentine Evidence"

I agreed that the survey should be repeated, giving the geographers new orders and instructions so that it might not be a failure as at first. In effect, they returned to the Uruguay and navigating this river against the stream, they found on the northern bank, at a distance of six leagues from the Uruguay-pitá a wide river that is one hundred and ten fathoms in width at its mouth, with a reef very near the same and having other signs which convinced the Spanish geographer that this river was the Pepirí which the late Commissioners were seeking, news which the Spanish geographer conveyed to me in a letter dated the 9th. of August of last year, enclosing an extract of the course followed and a plan showing the identity of the newly discovered river with the Pepirí represented in the map of the Courts, to which the already mentioned Commissioners had to conform their actions in the execution of the treaty of 1750.

These news helped to confirm me in the opinion I always entertained that the river of our opening was the Uruguay-pitá, an opinion to which Your Excellency immediately agreed by a process of reasoning as simple as it was natural, and that is, down the stream from said river of our opening, no other one exists that can be the Uruguay-pitá, and against the stream the geographer did not find it, as proven by the already mentioned letter of the Spanish geographer, and by another letter which he afterwards wrote me from the pueblo de San Luis.

After examining, for a short distance, the course of the wide river which is 110 fathoms at its mouth, the geographer descended the Uruguay as far as the Pepirí of the late demarcation, in the western point of which they left some inscription showing that this river was the same that the late Commissioners had recognized as the Pepirí; in proof whereof it is enough for me to say that the geographers did not sign any document relating to this question, or even leave in a tree, the inscription which has always been used to mark the respective dominions of the two Crowns, I having reserved the decision of this point for many and grave considerations which cannot have escaped Your Excellency's good judgment; from all of which must be inferred that the above mentioned inscription has the same value in this case, as the *Post facta resurgens, etc.*, of which I spoke before.

After completing the operations which I have mentioned, the geographers returned to this village, and from the questions, put to them I found that they had reached the Pepirí of the late Commissioners; but then or afterwards, I have never said by word of mouth or in writing that this river is the same and identical river of which mention is made in the Article V of the treaty of 1750; about this matter I have to recall to Your Excellency's memory that when I wrote to Lieutenant Don Diego de Albear in regard to this subject, I sent him a plan of the Uruguay made by the Spanish geographer, with orders to show it to his Portuguese colleague Colonel Don Francisco Juan Roscio, to whom Your Excellency was unable to send a similar plan, the aid, instructed to draw it, having become suddenly ill; a copy of the plan must be in the possession of said Colonel, and if Your Excellency be good enough to examine it very carefully, Your Excellency will find the true Pepirí marked very

distinctly from the river which our predecessors recognized as such, and the true Uruguay-pitá marked also at a considerable distance from the river to which they gave this name, on account of the ignorance of their guide. All these facts, which are irrefutable, offer me an opportunity to fill many pages. but I shall abstain from doing so, so that Your Excellency will not have cause to speak again of inventives, or tell me that I harshly criticise his despatches, as the facts are all the contrary, and when I write to Your Excellency, I always try to soften my words as much as possible, and even the sense of my discourse.

Considering then, that this dispute is at an end, I write Your Excellency to proceed now with the demarcation of the lands situated between Monte Grande and the southern bank of the Uruguay, the only undertaking that remains for us to accomplish, and about the execution of which I write separately to Your Excellency.—God keep Your Excellency for many years.—Pueblo de San Juan Bautista, 19th. of January, 1789.—JOSEPH VARELA Y ULLOA.—Señor Don Sebastian Xavier da Veiga Cabral da Cámara.—This is a copy, VARELA.—This is a copy, ANDRES DE TORRES.

1789

**Act drawn in the pueblo de San Juan Bautista, the 6th of October, in which it is stated that de Commissioners not having agreed upon the situation of the true Pepirí, have decided to submit the question to the decision of the respective Courts. (\*)**

We, the Chief Boundary Commissioners in Southern America, Don Joseph Varela y Ulloa, Brigadier of the Royal Navy of His Catholic Majesty, for the part of Spain, and Don Sebastian Xavier da Veiga Cabral da Cámara, Brigadier of the Royal Army of His Most Faithful Majesty, and Governor of Rio Grande de San Pedro, for the Crown of Portugal, say and declare: that the operations of the first subdivisions under our immediate orders, having been completed, and also having signed the plans that show the exact and proper survey made of the lands that lie between the mouth of Arroyo del Chuy, where our demarcation was begun, and the mouth of the river Pequirí or Pepirí, where it should have ended, these plans specifying the lands that were surveyed, as proven by the documents drawn on the eighth of October of the year one thousand seven hundred and eighty four, and on the 30th of January of 1788, as well as those lands which could not be surveyed on account of doubts which arose regarding the manner of executing this undertaking, doubts which obliged us to submit this question to the decision of the two Crowns: we have agreed, for the good of the service, to consider this undertaking as finished, obeying orders which we have received from the Vice-

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(\*) This is a translation from the original document existing in the Central Archives of Alcalá de Henares which, in a copy duly legalized by the United States Consul at Madrid, forms part of group D, No 13 of manuscript documents of the "Argentine Evidence."

roy of Buenos Ayres, and from the Viceroy of Janeyro, and deciding also the immediate separation of the parties, the Spanish one to return to the Fortress of Montevideo, and the Portuguese to the Village of Rio Pardo. And to authorize this document we sign it in the Pueblo de San Juan Bautista, in the Misiones of the Uruguay, the 6th of October of 1789.—JPH. VARELA Y ULLOA.—SEBASTIAO XAVIER DA VEIGA CABRAL DA CAMARA.—This is a copy.—VARELA.—This is a copy.—*Andrés de Torres.*

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**Notice appended to the Map raised by the Spanish and Portuguese Commissioners, presented with the Evidence in photographic copies duly legalized.**

NOTE.—This map, and the one drawn by the Spanish geographers, are not in accord regarding the names of some streams (*arroyos*) that run through the lands surveyed from the mouth of the Chuy to the entrance of the Pepirí into the Uruguay; and both Commissioners wishing to avoid the confusion that this circumstance may produce when the Courts treat of establishing the definite limits, have agreed to reciprocally express said differences in the two maps. The principal differences observed by the Spanish Commissioners are the following:

First.—The southern branch of the Piratiní, is named in this map, Piratiní Maior, or Arroyo de Santa María. The Spanish Commissioner accepts the latter denomination, but not the first, because when the said *arroyo* was surveyed neither the guides nor the geographers recognized it by the name of Piritaní Maior, as proven by the Journals of the geographers.

Second.—The arroyo which in this map has the name of Icabacuá-mini, in the Spanish map is named Ibirá-mini.

Third.—The Arroyo del Arenal of this map, is called the Vacacay-mini in the Spanish map.

Fourth.—The arroyo which in this map is called the Vacacay-mini, in the Spanish map is the Araricá, which runs through the southern brow of Monte Grande.

Fifth.—The river which in this map is called the Pepirí-guazú, is the same which was recognized as such by the late Commissioners, but the Spanish Commissioner declares that the above Commissioners made a mistake, and that the true Pepirí is the wide river situated six leagues against the stream from the Urugay-pitá, and about this matter he recalls what he has already written to his Portuguese colleague.

In all the rest, the Spanish Commissioner believes the maps to be in accord, and in witness thereof, signs the present in the Pueblo de San Juan Bautista in the Misiones of Uruguay, the 4th of October of 1789.—JPH. VARELA Y ULLOA.—This is a copy.—*Andrés Torres.*

**Letter of Señor Varela y Ulloa, to the Viceroy of Buenos  
Ayres, Marquis de Loreto, arguing the convenience  
of not accepting any other limit but the River  
Pepirí-guazú. (\*)**

Your Excellency: By Article V of the Boundary Treaty of 1750, it was ordered that the dividing line be drawn by the river Pepirí as far as its principal source, and from there by the nearest of those rivers which enter into the Grande de Curitiba, called also the Iguazú, an undertaking which had to be performed in accordance with a map which was sent by orders of the Courts, to the Commissioners Don Francisco Arguedas and Don Joseph Fernandez Pinto Alpoym, who were entrusted to carry out said undertaking.

In this map, (which the Portuguese cannot challenge, because it was drawn in Lisbon), the said Pepirí was represented up the stream from the Uruguay-pitá, and in accordance with this specification the Commissioners sought to find it, believing, by the other reports which had reached them, that it was a wide river, and that it had a reef very near its mouth. But the case is that having reached the first river that flows into the Uruguay through its northern bank after passing Salto Grande, the guide assured them that this was the Pepirí, telling them he had known it by this name since the time he had made an expedition with the Indians of his village to a place which they called La Espía.

The Commissioners seeing that this river did not agree in any manner .

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(\*) This is a translation of the original document existing in the Central Archives of Alcalá de Henares which, in copy duly legalized by the United States Consul, at Madrid, forms part of group D, No. 14, of manuscript documents of the « Argentine Evidence.»

with the one represented in the map of the Courts, they continued the navigation of the Uruguay against the stream, with the object of discovering if the information was correct which the guide gave regarding two other rivers which were higher up, and which he said were the Apiterebí and Uruguay-pitá; after having observed the situation of both these rivers, they reach a fall of one fathom in height, from whose boulders the water descended with such violence, that they believe it most impossible to cross the canoes to the other side, and returned to the headquarters of the two parties, where the river indicated by the guide was solemnly recognized as the Pepirí.

As the aforesaid Commissioners acted in this case against the faith due to the map of the Courts, which placed the Pepirí against the stream from the Uruguay-pitá, and not down the stream, as the river in question was situated, they have left us in their Journal the reasons which they had to act in accordance with the words of the guide, reasons which in substance can be reduced to only two.

The first was, having believed that, in effect, the Uruguay-pitá was the last river which the guide had shown them, they inferred that as the guide had knowledge of this river, he must also have knowledge of the one which he called the Pepirí, and which was further down; the second reason being that they entertained the strong belief that after crossing the fall of one fathom in height, it was impossible to find any wide river which by its situation and other circumstances could be taken for the Pepirí mentioned in the Treaty.

Although I fully appreciate the work done by the Commissioners of the late demarcation, I cannot refrain from saying that in regard to the subject under discussion, they committed a grave error, most prejudicial to the interests of the Spanish Monarchy.

In effect, the last river to which the guide conducted them, telling them it was the Uruguay-pitá, is not that river in reality, and it does not even spring from the Cuchilla General (high lands) as was then believed, but from a mound which gives waters also to the Iyú-guazú, from which mound it flows through hard and stony lands until its confluence with the Uruguay at a point eight leagues in a direct line down the stream from the Uruguay-pitá, it being also true that from the fall of one fathom in height upwards, several wide rivers are found in the northern bank of the Uruguay, and one in particular, which is situated against the stream from the already mentioned Uruguay-pitá, and which has a reef very near its mouth, these being the signs the Commissioners were seeking, so that, had they reached this river, they would infallibly recognized it as the Pepirí.

This error having been discovered, I have been forced to correct it in our map, asking my Portuguese colleague to do the same, and to accept as boundary the wide river whose situation, as I have said, is identical to that of the Pepirí represented in the map of the Courts; but my colleague has refused to make this correction, under pretext that by Article VIII of the preliminary Treaty of 1777, it is ordered that the line be drawn by the Pepirí

which confronts or can confront with the river San Antonio; of all this Your Excellency will be informed by the copies I inclose of the despatches written by me to my Portuguese colleague, and of his respective answers to the same, mine being designated with the numbers I, II, III, and his, with the numbers IV, V, VI.

It would truly be of the greatest advantage for us if the boundary line should be drawn by this new river, because in that case all the waters of the Uruguay-pitá would belong to the Crown of Spain, and as the waters more to the East come from Monte Grande, which separates the grass land of these villages from the lands of the Vaquería belonging to the Portuguese, there would be no difficulty in drawing the dividing line through Monte Grande, which is the only way I see of saving and covering the settlements of both nations in the terms ordered in the preliminary Treaty, as your Excellency will see by what I write to Your Excellency in a separate despatch. God keep Your Excellency for many years. Pueblo de San Juan Bautista, 9th of October of 1789.—Your Excellency JOSEPH VARELA Y ULLOA.—To His Excellency Marquis de Loreto. — This is a copy.—*Andrés Torres.*





**The Viceroy of Buenos Ayres reports to the Court of Spain,  
with enclosed documents upon the differences occurred  
regarding the River Pepirí, (\*)**

Yonr Excellency ;—In fulfilment of Article 1 of the boundary treaty of the year 1750 and by order of the Courts, a plan was sent, made at Lisbon, in which among other rivers which flow into the Uruguay, there appeared at a very long distance from its great waterfalls and above the Uruguay-pitá, the Pepirí where the divisory line had been ordered to be drawn. Those Commissioners looked for it in the expressed locality and received advices that it was a large stream and had a reef very near its mouth. Having come to the first river that flows into the Uruguay by its northern bank, and having been told by the Indian they took as guide for want of some other, that that was the Pepirí, they were not satisfied, as they saw it did not agree in any way with the one represented in the said map, and they proceeded up the river on the Uruguay, to ascertain if other particulars he gave of the rivers Apiterebí and Uruguay-pitá, which were farther up, were true; and after examining the location of the one and the other, they continued as far as the foot of a waterfall of a height of one fathom, and believing it insuperable they returned, and accepted as the Pepirí the river pointed out by the guide, according to the statements in their journal.

His lack of intelligence is already obvious in the designation made by him of the Uruguay-pitá, and it has been so found by the Commissioners of the first Portuguese party of the present demarcation, who in consequence

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(\*) This is a translation from the original documents of reference existing in the General Archives of Indies, which in a copy duly legalized by the United States Consul at Seville, forms part of group D., No. 15, of manuscript documents of the "Argentine Evidence."

ordered to have put on the plan over the said river: *Uruguay-pitá of the late surveyors*, and over another which lies higher up and is in effect the true one: *True Uruguay-pitá*. Notwithstanding this, preference is given to the information of the said guide over the actual truth of the said map in the designation of the Pepirí, which was discovered with the greatest effort by the present surveyors above the said waterfall, one fathom high, and with all the land marks used in the search by the previous surveyors, in accordance with the said map and data, about which the Brigadier of the Navy Don Joseph Varela and his concurrent have had the contestations referred to in copies I to VI, which I remit herewith to Your Excellency, together with the copy of the corresponding official letter. Besides other reasons which these Spanish Commissioners possesses to his entire satisfaction, the Portuguese referred to bases himself on the ground that the Pepirí, by which, according to the last treaty of 1777, the divisory line must go, is the one that was recognized as such since the previous demarcation, as the Courts could not help accepting it for the true Pepirí since then, while the causes raising any doubt are originated by a recent discovery, to which is added the consideration that the line must run from the source of this river through the highest ground and, according to the rule of Article VI, to meet the source of the river San Antonio, all of which demonstrates that the mind of the Courts was that the Pepirí of the late surveyors should be chosen, as it is the only one that starts opposite this one, according to the latitude and location observed as touching the one and the other. But these foundations, I believe are more apparent than solid, as I shall proceed to communicate to the superior discernment of Your Excellency.

Notwithstanding that in the demarcation agreed upon by the treaty of 1750 it was the mind of the Courts that the line should follow by the Pepirí which, according to the plans that were remitted, flows above the Uruguay-pitá, the said Commissioners drew it by another river which is farther down than this, taking it for the true Pepirí, and accepting the only guide that was found and who was unduly qualified as an expert as I have stated before; besides, by the same rule, although in effecting the treaty of 1777 the Courts might have taken it by the Pepirí (which is not convincing because of the best reasons that occurred to the said Commissioners for the contrary, and of the annulment of the treaty of 1750, the said demarcation, consequently, not being approved) the line must not be drawn by that river, the more so as the true Pepirí designated on the said plan is now discovered.

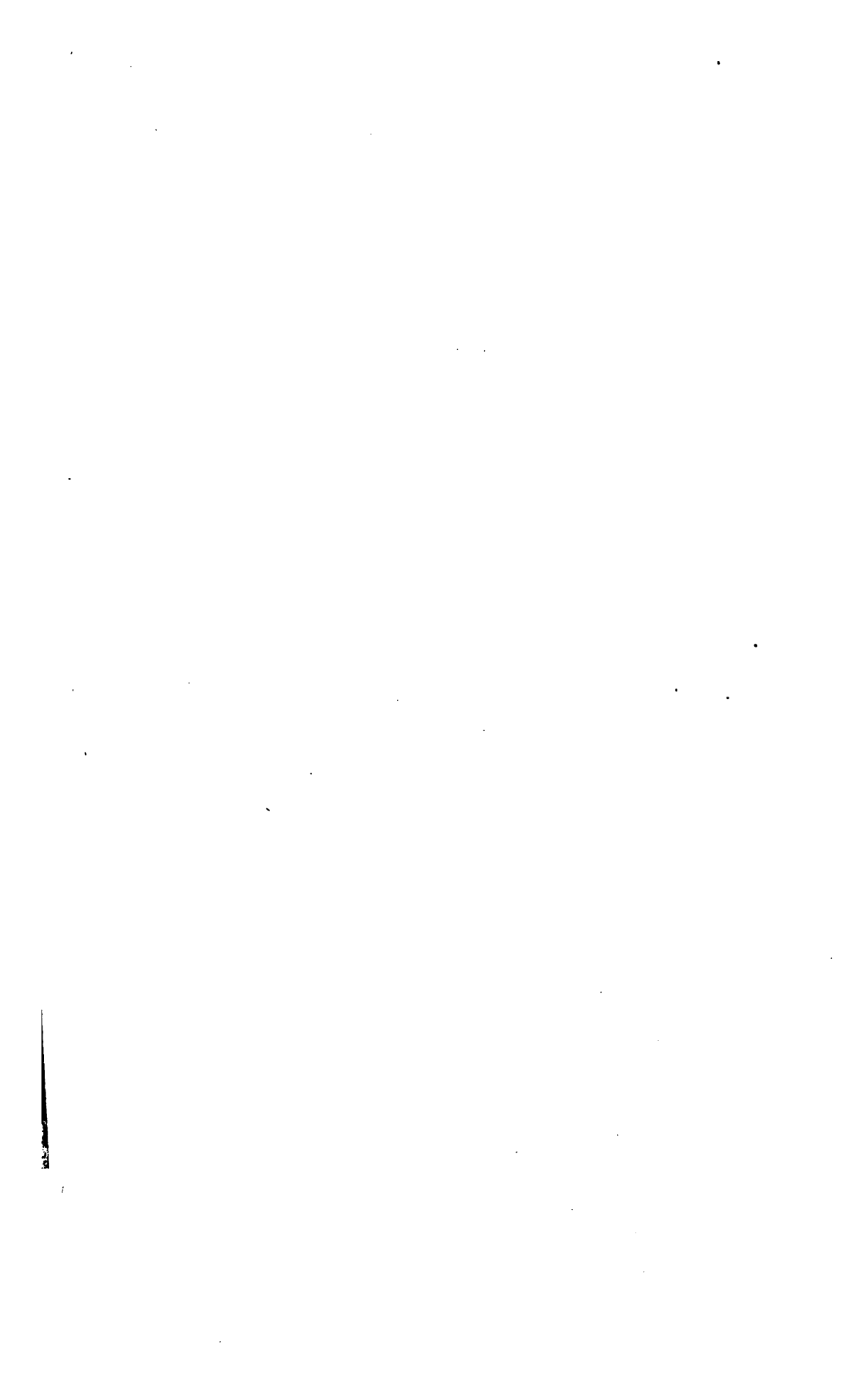
Furthermore, the river, by which the treaty of 1777 designates the divisory line is not called *Pepirí*, as in that of 1750 without cognomen, but *Pepirí-guazú*, that is, *Great Pepirí*, which denotes that there is another smaller Pepirí; and thus, even without denying that the small river pointed out by the said guide is the Pepirí, nor insisting upon the readiness with which the late Commissioners accepted his information, we must hold that the demarcation shall go by the said greater river.

The expression of Article VIII of the last treaty referred to, that, following up the line as far as the principal source of the *Pepirí-guazú*, it shall

continue *by the highest part of the ground according to the rules given in the VI, to meet the current of the river San Antonio*, far from indicating that the line shall go by the Pepirí, which confronts with the latter, it conveys the contrary; for *according to the highest ground and the said rules* means to follow by the Cuchilla (high lands) that divides the waters towards the Uruguay, and the Iguazú marking the neutral space by the most visible and permanent landmarks (which in this case may be the upper ends of the rivers that flow into the same Uruguay and Iguazú), and comparing the said Pepirí and San Antonio there would be no reason for following the Cuchilla, but merely ascend and descend it; and as this operation is necessary to go from the sources of one to those of the other, the remark referred to in Article VIII would result inofficious; besides, as neither in the old nor in the present demarcation, either river has been explored high enough, this pretended comparison is but a light conjecture.

The foregoing is all that I can add to the foundations of the Spanish Commissioners, to throw light in this doubt, and I hope that Your Excellency will contribute towards its speediest decision, as it is necessary, in order to prevent delays and useless and heavy expenses than the same demands for the progress of this important demarcation. God guard Your Excellency many years. Buenos Ayres, January 28th, 1790.—Your Excellency.—NICOLAS DE HAREDONDO.—With his rubric.—To His Excellency Fr. Don Antonio Valdés.

(Here follow the letters of Varela y Ulloa before printed, with the answers of the Portuguese Commissioners and a copy of the Journal of the demarcation of 1759, from March 5th. to March 14th. )



**Letter of the Viceroy of Buenos Ayres, accompanying the  
Plan of the first Party of Surveyors. (\*)**

The Viceroy of Buenos Ayres accompanies the General Plan of the Survey of the first parties, with copies of the notices put in the Portuguese map, of the document executed to authorize this work, and the communication, with which he transmitted every thing to the principal Spanish Commissioner, informing him of the withdrawal of the said parties, his colleague remaining as attached to the Second Subdivision, perhaps with some hidden object.

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Your Excellency:—The principal Commissioner of the Survey, Don José Varela, sent me with a communication dated the tenth of last October, the annexed General Plan of the Survey executed by that First Subdivision from the mouth of the Chuy to the entrance of the river Pepirí into the Uruguay, and copy of the notices put in the Portuguese map, in order to avoid the confusion arising from different names in it, by which some rivers and streams are designated, and other copies of the document executed, in order to authorize this work, informing me that the Portuguese Party would retire on the fourth of November to the Government of Rio Grande, and that on the fifth he would do the same with his, going to Montevideo; and that his colleague remained as attached to the Second Subdivision, by command of his Viceroy, in which order he considered there was some hidden object, although it was attributed to the dissatisfaction of this superior chief, with the

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(\*) This is a translation from the original document existing in the Central Archives of Indies, which, in a copy duly legalized by the United States Consul at Seville, forms part of group D, No. 16 of the manuscript documents of the «Argentine Evidence.»

measures taken for the survey of the rivers Paraná and Iguazú; of all which I send copies to Your Excellency for his greatest information. May God grant Your Excellency many years of life.—Buenos Ayres, January twenty-eighth, one thousand seven hundred and ninety.—Your Excellency—NICO-LÁS DE ARREDONDO.—To His Excellency Don Antonio Valdés.

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*( Here follow transcriptions of Varela y Ulloa's Letter of October 9th, 1789, of the Act drawn in the pueblo of San Juan, October 6th, and of the Notice appended to the Map raised by the Spanish and Portuguese Commissioners, already printed.)*

Your Excellency :—Although it is some time since the Second Engineer Don Bernardo Lecocq, finished the General map of the Survey, belonging to these First Subdivisions, I have not wished to make haste in signing it, thus giving time to the same Engineer to draw a duplicate, which is to remain with the Secretary of the Vice-Kingdom, which papers I thought of taking with me for more security, and in order to have the honor of presenting them myself to Your Excellency, on my arrival to that capital. But my departure having been delayed for reasons not unknown to Your Excellency, and my colleague having communicated to me that he was going to send immediately his map to the Viceroy of Brazil, it seemed to me convenient to send ours to Your Excellency, by way of Yapeyú, which I do to-day, including a copy of the notice that I put in the Portuguese map, and of the document which we executed, in order to authorize the work, and proceed to separate the Parties. The one in charge of my colleague will start for its destination the fourth of next November, and I will do the same the following day, with the Spanish, going to Montevideo by San Martin, the Fort of Santa Tecla and Paso del Rey. I find that my colleague remains here attached to the Second Portuguese Subdivision, by order communicated to him by the Viceroy of Brazil, dissatisfied, as it appears, with the steps taken by Colonel Francisco Juan Roscio, for the survey of the Paraná and the Iguazú. That is what is said at present, although I suspect there is in this a greater mystery, but Your Excellency will be informed of every thing, opportunely, by our Commissioner Diego Albear. May God grant you many years of life.—Town of San Juan Bautista, the tenth of October, one thousand seven hundred and eighty nine.—Your Excellency.—JOSÉ VARELA Y ULLOA.—To His Excellency Marquis de Loreto.—It is a copy, ANDRÉS DE TORRES.

**Original private letter of Don Pedro Cerviño to Felix de Azara, containing a narrative of what occurred on account of the survey of the true Pepiri-guazú, made by the Spanish engineer Andrés de Oyarvide, and other important news in regard to the settlement of boundaries in conformity with the Treaty of 1777. (\*)**

(Private)—My dear Sir and esteemed Commander : The moment has arrived of fulfilling the offer I made you of sending the map which the first surveying parties drew ; in it you will see our frontier determined by the marks placed, from the mouth of the Chuy to the lagoon Merin, and that of Portugal, by the posts, from the shore of the sea, in a straight tangent to the lagoon of the Manguera, from there going to the falls of the Tahim, follows these waters, and finishes in the said lagoon Merin.

After fixing these boundaries, the doubts and debates commenced among the Commissioners, and as a result, they agreed to draw a map of the lagoon Merin and its waters, in order to inform their respective Courts ; it was thus done, but nothing has resulted up to date. The Portuguese took advantage of this inaction, and infringing on what had been agreed to in the Treaty, have passed the Piratiní, which is the first and only stream which *flows into the Sangradero, near the mines of the Portuguese Fort of San Gon-*

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(\*) This is a translation of the original document of the Archives of the Argentine Department of Foreign Relations, which forms part of group D, No. 17, of manuscript documents of the « Argentine Evidence.» Don Pedro Antonio Cerviño was a principal member of the Parties of Surveyors who were in the River Plate to settle the boundaries between the Spanish and Portuguese dominions in South America, as agreed by the Treaty of 1777.



zalo, and are occupying as much territory as they can; in order to stop their progress, it seemed that our Government ordered to build three forts in the highlands, which divides the waters of the river Yaguaron and the large San Lorenzo ; this one has been passed by our neighbors, and they have established an encampment of troops of the Volunteer Regiment of Pinto, which will be shortly turned into a settlement, and they will, therefore, remain there forever. If the object of our new forts is to stop them, the greatest care should be taken in the selection of the persons who are to command them, as all the means invented by bribery will be employed in order to buy them. The hides and cattle of the Sierra are a powerful temptation, capable of perverting those who are not very scrupulous in acquiring money, or caring for the means, whether legitimate or not, and more if they are as some that I know, who with metaphysical reasoning want to excuse their acts, and think they can fool the rest who remain silent, because nothing is given to them, or because they see that they can not remedy it.

The ground expected to be covered with the three forts seems too large, and a great distance must necessarily remain between each, allowing the Portuguese to enter in and depart from our territories at leisure, without the eight or ten soldiers, to remain in each garrison, being able even to molest them ; for this reason I consider this precaution insufficient, and I fear they will finish by destroying all the cattle of the Sierra. What remains entirely exposed is all the cattle grounds of our pueblos, from Santa Tecla to Monte Grande. As soon as this tract was surveyed, the part lying on their side was immediately occupied by them, and they settled the cattle-ranches on the same highlands, which serves as limit and is neutral : their cattle mixes with that of the Indians, and they themselves are continually trespassing; these ranches will be the first to loose their property, and if the Portuguese are reprimanded they will say, as usual, that the robbers are outlaws and that justice can not keep them in check ; in this wise they excused themselves with the Spanish Commissioner for the robbery which they then committed of horses and mules of the Boundary Expedition, and one thousand oxen of the pueblo of San Juan.

Until we settle the frontier, as the Portuguese have done, we will be the victims of their ambition, and only by settling can we oppose to them equal forces ; then each one will keep what belongs to himself, and they would not dare to rob so frequently, fearful of being found out and punished ; it is not to be expected that they will restrain themselves willingly within the limits stipulated in the Treaty ; two hundred years of experience proves this assertion ; our policy as to this point does not seem to me to be the wisest. In all times our government has prohibited the occupation of these fields, and this has been the cause of our evils and of the opulence and trade of the Portuguese of the continent ; to expect to keep the fields by means of patrols is a great error, as well as to expect the Tapes to defend their farms. The frontiers occupied by them should be settled by Spaniards. Many things could be said as to this matter, but as I do not want to make this very long I leave them to your judgment, which can decide them best and who will, if

necessary, have ready the most efficacious and rapid means for restraining our neighbors, whose unbounded ambition requires very prompt and early remedy, if we seriously think of keeping the cattle which, unfortunately for us, has greatly diminished, and which, should they be destroyed, would deprive us of the only branch of commerce that these places have. But enough of digression.

The parties having arrived to Santa Tecla, the Commissioners again agreed, in consequence of which they fixed the land marks of the territory between this fortress and the Monte Grande, raising the monuments which they thought sufficient to determine both dominions, and which are shown in the annexed map; at the entrance of the Monte Grande new doubts arose, and, therefore, they had to recur to surveying the country and to report: they thus did it from the said Monte Grande to the southern bank of the Uruguay, *both Commissioners recognizing the lands and the rivers by the names with which the Indians of these pueblos called them, these Indians being the only ones who know them.*

This once done, the experts went down the Uruguay, coasting the Uruguay-pitá, looking for the Pepirí, which according to the last reports of the Portuguese Joseph Custodio, approved by the Court, should flow into the Uruguay on the opposite side, two leagues further down from the said Uruguay-pitá; up to this distance nothing was found, but continuing six leagues more they arrive at last to the one that the late surveyors had taken for the Pepirí, and in it they recognized some signs placed by them, which yet existed. This led our Commissioners to suspect that the previous surveyors had erred in the fixing of the Pepirí, not taking into consideration, or supposing them to be mistaken, the signs placed in the instructions which they were to follow, and by which they were to identify it.

The error was due, no doubt, to the fact that the late surveyors started from San Xavier, and ascended the Uruguay, having as a guide an Indian who had been in those places once when a boy; the surveyors, tired, perhaps, from overcoming the many difficulties of the navigation, or because the guide was not competent, they called the Bixuy the Uruguay-pitá, and another that flows some distance down, on the opposite border, the Pepirí; this determination was entirely opposed to what was declared in the Instructions, which affirmed that the said Pepirí flowed into the Uruguay on its western bank, above the Uruguay-pitá, that it had in its mouth an island, and at some distance from it a fall of water; for the island they took a bank, which can be seen when the waters of the Uruguay are low, and for the fall of the Pepirí a reef of the same Uruguay, very near, and somewhat below the mouth of the other Pepirí.

Our Commissioners being informed by his men of the distance at which the Pepirí had been found, and that it differed very much from the place where the map put it and the instructions given him, he commenced to compare them with those of the year fifty, and he suspected that the true Pepirí-guazú was to the east of the Uruguay-pitá; in order to assure himself, he ordered his geographer to navigate the Uruguay up the river, to the place

where the old maps place it, and in fact, his suspicions were verified, and the geographers found the said Pepirí in the place given in the ancient Instructions, to the east of the Uruguay-pitá with the large island at its mouth, and the reef or fall near it.

Being aware of this, the Commissioner of His Most Faithful Majesty retracted what he had before accepted : that is, he disapproved the map which he had signed with the Spaniard, in which he had recognized the river Uruguay-pitá, on the pretext that the Spanish Commissioner had taken advantage of him, this name being put by the Spaniards themselves, and substituted in its stead, the one of Trigote, which nobody has ever heard, and although I gave it in the accompanying map, it was done so that Your Excellency would be informed of it, and should be suppressed, so that no confusions arise in the future.

At this stage, the first Spanish Commissioner determined to retire, considering his commission as finished, entrusting, together with the Portuguese, the practical survey of the Pepirí to the Commissioners of the Second Party. These had separated from the first in Santa Tecla, to survey, as they did, the rivers San Antonio, Iguazú or Grande de Curitiba, and Paraná to its famous cataract, and they had returned to Candelaria having finished their commission.

They immediately passed to the pueblo of San Angel, to survey the Pepirí, as entrusted to them, and at this time the debates and disputes which we have sustained for more than five years commenced which reduce themselves to the Spanish Commissioner affirming that the Pepirí was not known by the ancient surveyors, alleging as proof the above reasons, and some other of less weight, which I consider useless to state, and the Portuguese that it is the one known by them, and not the arbitrary one pretended by the Spaniards; nevertheless, after many reciprocal urgent requests, in the first two years the two rivers in dispute were explored, the Portuguese with the idea of identifying his with the San Antonio, and the Spaniard, of finding one which directs its course to the Iguazú; the first did not accomplish his purpose, and all the efforts they made to find the curupí or pine marked in the headwaters of the San Antonio, were useless; the second's object was also frustrated, the Portuguese who accompanied him openly refused to make any further surveys than the one of the Pepirí, and returned from its headwaters, leaving the Spaniard alone; the latter continued and found the sources as shown in the map, with direction to the south, and the nearest ones he named San Antonio-guazú.

This survey, I think, was made in the year ninety, and since then the Parties have been inactive; the Spanish Commissioner has determined to survey the river, newly called [San Antonio-guazú, with the object of identifying the work done by this side, with that done by the Paraná; the Portuguese is obstinate and does not want to agree to the said survey, a thousand times asked, and as many denied constantly. In the official communications that have passed, most singular things have been written: the principal argument of our Commissioner is the Treaty, which wisely orders that, whenever a doubt occurs, a map of the territory in dispute shall be

made, and an account given to the Courts, so that they can accordingly resolve ; but the Portuguese pretend to put this precise and equitable provision in doubt, alleging that it does not include the present case ; that the Treaty speaks of the frontiers, and that the river in dispute is more than thirty leagues inland, in the Portuguese dominions ; and thus they remained unmoved, without being able to agree, and resolved never to yield.

I conceive that the Spaniards ought not to solicit the survey of the said San Antonio-guazú ; this exploration might lead to new troubles, and make the fixing of the boundaries interminable. If the sources examined with direction to the south change course, and turning eastward should flow into the Uruguay, the Portuguese will raise a cry, and will have matter of which to talk eternally ; without surveying the said new San Antonio, we have sufficient knowledge to inform the Courts exactly, and if, knowing the truth, they determine to fix as limit the Pepirí newly discovered, no doubts will then arise, whatever be the course the headwaters admitted should follow ; and in this case, others would be looked for, precisely flowing into the Iguazú, which is the requirement of the Treaty.

Furthermore, the disputed territory, included between the two Pepiris, is useless to us at present and will remain for many years uncultivated, and it seems as if it does not offer any advantage nor any trouble in the near or remote future. It is bad land, full of roughness and impenetrable woods, very far from our settlements, of stony roads difficult to travel, and in my judgment will never be worth what it has cost up to date to the King, being more than what was expended in the discovery, conquest and settlement of America. The party consumes annually more than twenty-two thousand dollars, without including the salaries of the navy, which in five years that it has been here exceeds one hundred and ten thousand.

What really concerns us and upon what we must insist, is that the bearing be continued from the place left, through the shores of the Lagoon Merin, leaving the latter neutral to the Piratiní, which is the *first stream which flows into the Sangradero, or channel of it, and which flows nearest the Portuguese Fort of San Gonzalo*, that the said Piratiní be the frontier to its principal source. From it, it should continue by the highest portions of the ground until it meets the one in Santa Tecla, which was marked by agreement, taking it up again from the southern border of the Monte Grande, it should follow East to the northern shore, and thence by the same border, leaving the forest to the East, and would continue until it arrives to the pass which unites the Monte Grande with the Yacuy, after traversing this pass, thence in the same way coasting the grass lands of the Pueblo of San Miguel to the place where the Uruguay-pitá flows ; so that the Portuguese should never pass further in than the Monte Grande. This is the only way of keeping safe the cattle of the pueblos and of establishing an indelible barrier between both dominions, for if they ever pass it and manage to establish themselves in the fields which are to the West of the line which I have just indicated, they will be able to do us, with all impunity, any harm whatever. In times of peace they will rob the cattle of the ranches, will recruit the Indians

and will carry them off to Brazil, will provide themselves with mules, horses, etc., and will carry on whatever contraband they desire; and in times of war it will be very easy for them to conquer the eastern pueblos of the Uruguay, without our being able to oppose to them in these places forces capable of stopping them; and although some grass lands remain in the Portuguese dominions, or in the neutral land which is to be designated, we must suffer this damage and cut this knot as soon as possible, as it cannot be untied, and wait for the things to change of aspect, so as to draw a line more advantageous: the facts which the plans and journals of the parties furnish us, enable us to do so with knowledge, when the opportunity presents itself. The line which I have suggested as boundary, I have marked it in the map for your information with this sign: . . . & . . . & . . . & . . .

The permanence of the Spanish Party in this town is, in my opinion, a political error of the greatest: on this pretext the Portuguese have here a most flourishing colony; they introduce all the merchandise that they want without paying duties nor any other tax to the King, and without danger of confiscation and of punishment as smugglers; they take out all the horses which they find, go for them as far as Corrientes with the greatest easiness, and barter them in exchange for rings, necklaces, earrings and other things of this kind, without their real value amounting to a fourth of what they assign to it. The most strange thing is that their sagacity found a way of reducing fifty reis each dollar, the real value of which being 800, is not taken for more than 750; and it is to be noted above all that the Spaniards (of the party) pretend to persuade the others that we ought to live very grateful to the Portuguese, because they furnish us with everything. What nonsense; everybody will be dumfounded when they learn that in San Angel twenty-five pounds of sugar are worth sixteen dollars.

Another and greater injury and of worse consequence follows the stay of the Portuguese Party: they try by all means to engage the Indians; of the pueblo of San Juan alone, they have carried away more than five hundred without their having been to this date reprimanded nor remedies having been applied to prevent such a disorder. I wonder how some Spaniards, who consider themselves enlightened men, and whose character and office obliges them to notice this, are not moved to any action, and allow the depopulation of a province. I must add that this greatly surprises me, and that I only believe it because I see it.

It seems as if the Spaniards of the present time have forgotten the good examples of their ancestors; for them there were no difficulties, for us everything is an impossibility; they were successful in all their enterprises, and we fail in every one. I will cite one instance: it seems as if the present Surveyors have forgotten the object of their commission; they allow these excesses, while their strict duty is to watch for the interests of the State; they have firmly established themselves, as if their office perpetual; many have married, others want to marry, *and those who were married have brought their wives.* Up to this date about forty persons have been born of this expedition. In this wise the King can be served. They thus have roof-

tiled houses to live in, meat to eat in abundance, paid surgeon to cure their ills; they sleep in all calmness and in soft beds; they manufacture children with all comfort, and they enjoy a good salary, which is the most essential.

It short, this question of boundaries reduces itself, to make believe that we are doing something and let the months run. Considering all this, I think that it can be said without it being taken as a blunder, that the party should be ordered to retire and the salaries therefore suspended; and as the Governor of Rio Grande is the first Commissioner of the Court of Lisbon, His Excellency, the Viceroy, could deal directly with him, and agree to send two experts who should put into execution what has been determined, because this is what is done here without adding or taking anything. After deciding upon some survey, all the party goes to what is called the encampment, thirty leagues from this town, in which there is abundance of meat, fine bread, &c., and from there they send the subalterns, who are to make the survey. Hardly have they gone into the woods the other gentlemen of the party return to the town, reciprocally praising one another for their efficacy and activity, without forgetting to say it in their respective communications, nor exalting the immense hardships which they suffered, and their painful trips with crutch and walking staff through brambles and forests, exposing themselves to be victims of the wild beasts or of the savages, in order to carry out their charge; and if, as it has happened, some subaltern has asked for a certificate of his work it is denied him and he is reprimanded, and being asked what has he done, and insisted to reflect, so that he will see that he has done nothing, not admitting that the subalterns and no others have been the ones who have made the surveys, who have put in order the plans, who have suffered hunger and misery in the deserts, because aid was not sent them in time, in a word, that they have done everything excepting to write the reports. If I were of a satirical disposition, I could say something very good as to this matter.

This letter is already very long. As I do not want to trouble the attention of Your Excellency, I do not specify certain things causing some thousands of dollars to be yearly consumed, which could and even should be saved. According to the last news from Europe, it is to be feared that the money in the treasury of Buenos Ayres will be scarce, and for that reason I shall delay in this capital until the coming of the new Viceroy. Should Your Excellency come down, as it is the custom, I will have the satisfaction of informing Your Excellency by word of everything relating to this subject. Your office, the commission to which you are destined, your love for the King and the State, the straightforwardness of your judgment, the integrity of your actions, are powerful reasons for informing you, in case Your Excellency should be able to remedy it, hoping that your zeal will make of these news the most Christian and reasonable use, and in this way many things will be avoided which are not good, and others notoriously bad will be remedied.

I have drawn the meridians of the map converging, so that Your Excellency will see how they are in the original; but I must advise Your Excellency

cy, for your information, that it is a plain surface, and that the said meridians were those drawn after the map was constructed. No other calculations or elements were employed but the bearings and distances, prolonging or shortening these so as to make the lines agree with the observations made.

Your Excellency will notice two ancient San Antonios, one according to the Portuguese and the other according to the Spaniards; the latter placed it by the course they followed from the mouth of the Iguazú, the latitude and longitude of which has been reckoned, and the former by the course they took from Candelaria. Roscio did it thus because he says he has more confidence in the course than in the observation, and because that way it is nearer to the Pepirí, which is his object. The ones and the others have erred, and having gone a greater distance than the one that results from their calculations, they were not able to find the famous *piñeiro*, which they designated as mark, at the headwaters of the first. From the fact that they trusted more to such a long course, through a river, the velocities of which change every moment, making it almost impossible to estimate distances, Your Excellency will deduce the consequences which legitimately must be inferred; and I believe Your Excellency will judge as I do, although our opinion will not agree with that of some of San Angel, who speak of everything in a magisterial and decisive tone, without taking into consideration that the mere office does not convince, and that reasons founded on true principles are the ones which persuade.

The longitude of the map is reckoned from the western point of the Island of Ferro, which was supposed  $20^{\circ} 30'$  west of Paris.

What is included between the  $34^{\circ} 30'$  to the  $35^{\circ}$  is copied from the chart of the River Plate, drawn recently by Joaquin Gundin.

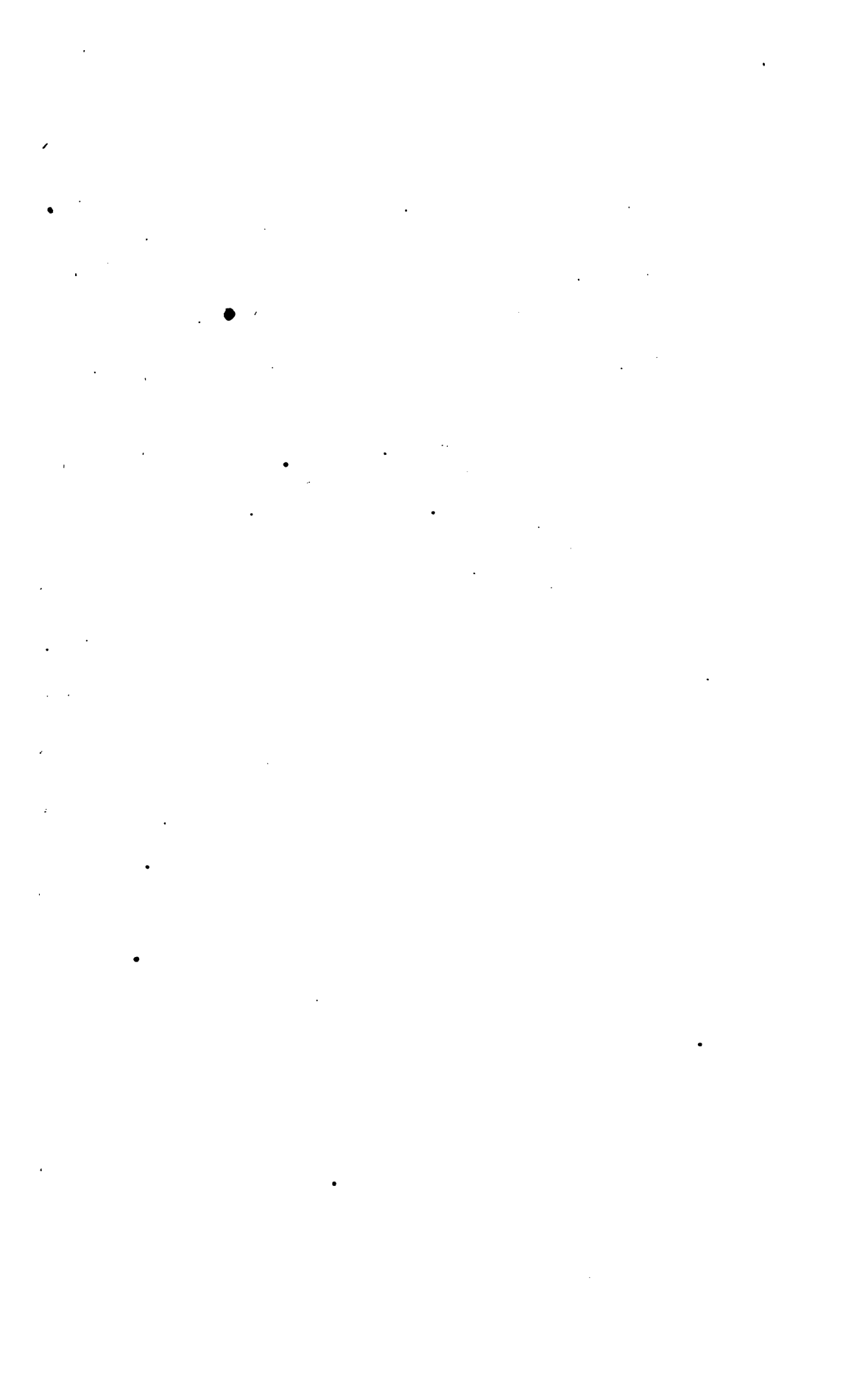
I do not send the one of the Paraná, Iguazú and San Antonio, because there is no time and because it is the same as that of the late Surveyors. Nevertheless, if Your Excellency wants it, I will send it with the best of wishes after returning from Buenos Ayres.

As my knowledge is limited I do not have confidence that my way of thinking is correct. I know that it is very easy to censure other people's works, and that for this no talent is needed; but I am also satisfied of the straightforwardness of my intentions and that my pen was moved by the desire of being useful to the King and to the State. I therefore request Your Excellency to let me know the errors he may notice so that I may detect them. I never do things for a whim or obeying plans; the truth alone I love, and it will always be my idol; I will never abandon it for worldly authorities or considerations. In the ten years that I have had the honor of serving under your orders, I have seen that God has endowed Your Excellency of the highest qualities, and of a marvelous tact to resolve wisely in the most obscure and abstract things. The King himself has given the most authentic proof, showing that the labors of Your Excellency have called his Royal attention. Your Excellency is the only one among the Commissioners of Boundaries who has received the approbation of the Sovereign to everything he has proposed as to this and other matters, notwithstanding the desire to underate

the talents of others, prevalent in some persons, who only think of censuring what they are not capable of doing. The knowledge of this and of the fact that all what I know I have it from Your Excellency, persuaded me to submit my opinions to your censure, in order to convince myself if they are worthy or not of being approved, in which former case I will be very much pleased. I hope that Your Excellency will do what I ask him, enlightening me as you have always done, then I will feel assured that the darkness which might confuse my intelligence will be dissipated. The desire of pleasing Your Excellency by imitating you has moved me to this activity, and if I deserve the approbation of Your Excellency, I will be more than repaid for the labors I have employed in obtaining it.

I remain to serve Your Excellency with the most faithful, delicate and constant affection, and with the same I beg God to extend the life of Your Excellency many years. San Angel, October fourteenth, one thousand seven hundred and ninety-four.—Your most affectionate, obliged and grateful servant, PEDRO ANTONIO CERVIÑO.—Señor Don Felix Azara.





**Extracts about the fourth dispute (survey of the rivers Pepirí and San Antonio), taken from the Requena y Jurado's Memoir. (\*)**

FOURTH DISPUTE.—About the true rivers Pepirí and San Antonio.

130.—An omission made by the Commissioners appointed to mark out the dividing line agreed upon in the treaty of 1750, and an agreement reached in consequence of this and the document signed by the Commissioners, has given rise to this dispute.

131.—The Commissioners received by common agreement of the Courts, instructions to the effect that, in accordance with the Treaty, the dividing line should be marked out by entering through the Uruguay into the Pepirí-guazú and navigating this river as far as certain springs, and from this point find the springs of the San Antonio, that flows into the Iguazú or Curitiba,

132.—The characteristics of the Pepirí-guazú, as given in the above instruction and in the accompanying map, were as follows: "a wide river, with a woody island opposite its mouth, and a great reef at the entrance of its bar, which mouth is found up the stream from the Uruguay-pitá.

133.—During the survey made by the said Commissioners in the year fifty-four, they were not accompanied by any experienced person other than an Indian of the neighboring Misiones, who had only made one journey of the Uruguay. Navigating then, against the stream, they found in the nor-

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(\*) This is a translation of the part referring to the dispute about the river Pepirí, of the Lieutenant General Requena y Jurado's Memoir, whose original exists in the Central Archives of Alcalá de Henares; and a part of which, in a copy duly legalized by the United States Consul at Madrid, forms part of group D, No. 18, of manuscript documents of the "Argentine Evidence."

thern bank of that river the mouth of another river which the guide told them was the Pepirí-guazú.

134.—Finding that it did not have the already mentioned characteristics, the Commissioners doubted the assertion of the guide, and for this reason they continued the navigation of the Uruguay against the stream, and after proceeding for a few miles, found in the southern bank the mouth of another river, which the guide said was the Uruguay-pitá; but their doubts were increased by the circumstance that this river was above the other to which the guide had given the name of Pepirí-guazú, contrary to what was shown in the above mentioned map; and consequently they continued the navigation until they came to a fall of one fathom in height from which the waters descend with such violence that it is most difficult to cross to the other side.

135.—With this motive, and in the belief that further on it was doubtful to find in the northern bank any river having the characteristics described in the instructions and map as corresponding to the Pepirí-guazú, the Commissioners descended the Uruguay, and retiring to their headquarters, they signed a document by which, although the rivers found did not have the characteristics and signs spoken of in the said instructions and map, they were nevertheless recognized as the Pepirí-guazú and Uruguay-pitá, the Commissioners placing more faith in the words of the guide than upon such convincing proofs as the instructions and map afforded. (There is a note which says: "Letter of Varela of the fifth of August, one thousand seven hundred and ninety one)."

136.—This indiscreet lack of confidence of the Commissioners in the execution of the Treaty of the year fifty, which prevented them from continuing the navigation of the Uruguay, and induced them to make such a hasty agreement and draw the document they afterwards signed, which they should not have done without special permission of the Courts, has given color to the present arguments of the Portuguese for not agreeing with the Spaniards regarding the course and situation of the true rivers Pepirí-guazú and Uruguay-pitá (H. H.); but it can be truly said that the Portuguese knew, and cannot help knowing now, the mistake made by the late Commissioners, as shown by the fact of their having agreed to the survey of the Uruguay, as related in the first part. (There is a note that says: "See number seventeen and following of this extract") but as in the second survey, and even more so in the third one, the identity of the true Pepirí-guazú was indisputably established, the second Portuguese Commissioner Don Juan Francisco Roscio, had no recourse to prevent the demarcation which should have followed, and which the Court of Portugal has always tried to elude, but to refuse to find the springs of the river San Antonio, when the Commissioners were in the waters of the true Pepirí-guazú. (There is a note which says: "See the number thirty first of the same;") although according to the Treaty this was the very operation which should have followed, and which should have been performed by the second Commissioners of both parties, who were charged with the execution of Article VII of the Treaty.

137.—Although for the reasons mentioned, this part of the boundary

line was not marked out, the surveys made by the astronomers and other clerks of the parties of the two principal Commissioners, and those made afterwards by the second Commissioners, and lastly by the Spanish party under the orders of Don Diego Albear, leave no doubt that the true rivers Uruguay-pitá, Pepirí-guazú and San Antonio, are those which are thus named in the map, and are situated higher up than those recognized as such by the Commissioners appointed to execute the treaty of the year fifty. (There is a note which says: "Letter from the Viceroy of Buenos Ayres, of the twenty-eighth of January, one thousand seven hundred and ninety, number ten)."

138.—For these reasons, and by virtue of what was expressly agreed in Articles IV and VIII of the Treaty of seventy-seven, it is indisputable the right of Spain to have the demarcation made by the above mentioned rivers.



### **The Pepirí of the mistake, in the interior. (\*)**

Considering their commission at an end, the Commissioners retired to the mouth of the Pepirí of Arirapi, on the 7th of April, with the idea of passing to the Iguazú, ascending the said Iguazú to a river that, by its situation, would permit them to go up to the interior in search of the source of that false Pepirí.

On the twelfth of July they arrived at the foot of the Fall of the Iguazú and there established their general headquarters, on the 27th of the same month they despatched a party under the orders of the geographers of both nations, Manuel Pacheco de Christo, Portuguese, and Francisco Milhau y Maraval, Spanish, so that, penetrating in the woods, they would look for the river Pepirí, trying to find the mark left on its bank on the first of April, and once found they would ascend it to its headwaters, passing from these to the nearest river running northwards.

"As the object of this party (says the journal of demarcation) was only to determine by the source of the Pepirí, the nearest river to this one which would flow into the Iguazú, so that with this fact and sure knowledge, the surveyors could immediately enter it, the strongest people and most accustomed to the woods were chosen, so that they could overcome the difficulties."

This party penetrated about fifteen leagues, without any result whatever as to their mission, and it was retired, arriving at headquarters on the 26th of September.

In the meanwhile, a party which had separated, on exploration of the Fall of the Iguazú, and had navigated this river, discovered the larger one of the two which they found in the southern bank to which the name of San Antonio was given, calling the smaller one which they found further down, San Francisco; and considering that the said San Antonio, by its volume and situation, could have its source very near to that of the Pepirí, the Commissioners resolved to arrive up to its mouth, and ascending in search for

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(\*) This is a translation from a chapter of the book entitled "La Cuestion de Misiones.—Trabajos publicados en el Boletín del Instituto Geográfico Argentino.—Buenos Ayres, 1892," which accompanies the "Argentine Evidence." Page 125 and following. Its author is Mr. Valentín Virasoro, third Argentine Commissioner for the survey of the disputed territory in accordance with the Treaty of 1885.

that river: but at the suggestion of the Spanish geographer, the party that was to go up to San Antonio under the orders of the geographers of both nations, went ahead, with the instructions extracted in the following literal form, in the journal of demarcation :—" That ascending by the said river San Antonio (the map of which they were to draw, as well as the one of the Iguazú, by common consent) all the distance permitted by its waters, they were to leave the canoes in the place where they could no further navigate and they were to order the necessary openings to be made, giving the laborers the bearing which, according to their charts, would lead most directly to the Pepirí; of which they were to assure themselves by recognizing the very mark which was left in it, when it was entered by its mouth, or if, on account of the difficulty of the roads, the marks were not to be seen, they were to assure themselves by other signs such as the distance at which the river was found, the direction in which it flows, the outline of its waters, the disposition of its banks and all other things noticed in its course, from the mouth to the source, signs which could be very well distinguished by the men they took with them, of large experience of woods and rivers. Once positive that the Pepirí was the river found with its course towards the South, they were to ascend it to its source, and from it they were to pass in search of the nearest river, flowing to the Iguazú, which was judged to be the same river San Antonio, entering which the Commissioners were to go as far as the place where the canoes were left, and there wait for the success of their enterprise, from there they would receive the needed aid to finish that part of the demarcation, the most difficult on account of the uncultivation of the country, the abruptness of its ridges and woods, the absence of news and the absolute want of help to overcome the difficulties."

Treating afterwards of the natural obstacles which the expedition was to encounter, the journal says: "On the other hand, it was not known how much time it would be necessary to employ in the discovery of the Pepirí and the nearest river which would connect with the dividing line;" considering this and fearing that this exploration might last to December or January, in which the overflow of the Paraná might occur, and hamper the survey upon that river, they resolved to follow the demarcation, while the Pepirí was looked for, and they called the Portuguese geographer who formed part of the expedition to the Pepirí, so that, together with the Spanish astronomer, the chart would be drawn in the demarcation of the Paraná.

The Spanish Geographer Maraval thus remained alone in the labor of searching for the Pepirí, and we shall now see how he fulfilled it.

From the 15th of October to the 28th of December he made explorations, and following the course of a current running South, at about three leagues from its source, they found the confluence of a larger stream, with the volume of a river, "which as soon as they examined it, seemed to all to be the Pepirí, by the signs above mentioned," judging that from there to the mark looked for, there could not be but six or seven leagues, the river was examined to a league and a quarter further down, and receiving there the order of examining the headwaters, the Spanish geographer ascended the said river or stream,

which he already considered to be the same Pepirí of Arirapi, he followed it through its principal branch to its source, which he found at about four leagues from the said confluence.

“The principal source of the Pepirí being found, says the Journal, the nearest water-course flowing northwards, was looked for, and it was found at one half of a quarter's league in a spring of sufficient water, which gushed forth among great rocks, and following its course for some distance, it was seen to continue to the north, receiving smaller streams on both sides.” Continuing the exploration of this stream, the confluence of the San Antonio where the headquarters were stationed, was reached, and the demarcation, on that part, was thus considered united.

If the Spanish geographer had continued his exploration on the supposed Pepirí, at least for four or five leagues more, noticing its course westwards, he would have convinced himself that it was not the one of the Arirapi, and the one known which flowed towards the Paraná,

A further slight effort would have taken him out of the doubts with which he accepted the said river as the Pepirí of Arirapi; but the suffering already borne, the scarcity of provisions and the fear of the Indians, discouraged him and caused him to submit again to the opinion of the guides, and by letter of the 5th of December he communicated to the Commissioners the news as to a water course which flowed southwards, and which he followed, afterwards entering in a larger one “which formed a river, and after its union continued the same direction of where the mark should be; that by the distance travelled, the color of its waters, position of the mountains bordering the banks and other circumstances, he thought that it could be no other one but the Pepirí, for it had all the signs which had been noted in the lower part of the said Pepirí, when it was navigated from its mouth upwards; and that of this opinion, the trailers and guides, whom he had with him, were so convinced that they assured it as certain. and that no other rivers of the ones seen which flow into the Uruguay by that longitude could have its headwaters so distant and so high, because they were all small rivers.” (Page 302.)

These considerations, made in such a hap-hazard way, decided the Spanish geographer to take this other river as the Pepirí; being far from imagining, without doubt, that the former flowed, as it flows, in the bed of the Paraná.

Notwithstanding this belief, the Spanish geographer asked for reinforcements of men and means to continue his exploration; but the Commissioners, the two astronomers and the Portuguese geographer, after having an interview as to the matter resolved to suspend that expedition, and called the Spanish geographer, after hearing again the opinions of two guides sent by him, who said “that from their knowledge and experience, it could be no other but the Pepirí; because the shape of the mountains among which it ran, going up by one side and descending by the other, the color of the waters which appeared to come from swamps, the rocks of its bed, the trees and shrubs which they had noticed in the Pepirí, when they ascended it, so



much resembled in everything, what they saw in this, that they sometimes had deceived themselves, believing that they had been in those places before; and that the bearing, which they knew by the place where the sun rose or set, was the same as that of the Pepirí. Considering this they unanimously said that there could be no doubt whatever that it was the Pepirí, the river in which the Spanish geographer was, and that its verification, by the examination of the said mark, although a physical evidence, was not absolutely necessary in view of the conformity of so many signs, nor could it be obtained under the circumstances of the case, but by exposing, without special necessity, that officer and all his party to the danger of perishing at the hands of the unfaithful or from sheer need." (Pages 305 and 306.)

In consequence of this original reasoning, the Spanish geographer was ordered to ascend and explore the headwaters of his supposed Pepirí, as he did, as we have already said.

In the same journal, page 336 of the book previously mentioned, the following is said.—“ In the same chart in which is the spring, source of the Pepirí, there is found at 300 paces, towards the north, another abundant spring which gushes forth from great rocks, and from it rises the river called San Antonio. . . . .” (Page 389)

From these irregular proceedings, from these surveys always unfinished, the conduct of the Commissioners appears most censurable ; and, above all, the little diligence in the Spaniard, is unjustifiable, the conduct of the Portuguese being at least explicable by the conveniences resulting in favor of his country.

It is to be remarked also that in these inconceivable levities, the Spanish functionaries were the ones who acted and spoke, accepting facts evidently contrary to their instructions, and disadvantageous for their country, while the Portuguese, seeing that their colleagues so satisfactorily placed themselves at the service of the interest of Portugal, maintained themselves in an apparent and calculated pacific attitude.

Bnt on the whole, this Joint Commission, incurred in a censurable irregularity, which has left open to attack, its technical and directory personell in the sense of competency and dedication to work.

That Commission had the expressed charge of uniting all the determining points of its demarcation, so as not to give rise by facts nor by doubts as to a solution of continuity, which would produce ruptures or want of meeting in the frontier line,

Nevertheless, in the boundary included between the Uruguay and the Iguazú, which should run by the Pepirí Guazú and the nearest water course flowing on the opposite direction to the Iguazú, the Commissioners proceeded against that charge, and not satisfied with having recognized as authentic, with all levity, the Pepirí of Arirapi, they not even explored it to its source, so as to take, afterwards, with all security, the nearest river which would flow to the Iguazú; and adopting a more troublesome way, full of uncertainties for the investigation on hand, and fraught with more difficulties and dangers, they passed to the Iguazú, so as to enter by that part among intricate woods

and abrupt ridges, to the principal height of the water course, and to feel and trail among the hundred of streams which there have their sources, the source of the Pepirí of Arirapí.

It is true that for the efficacy of that *trail*, of original idea, they counted with sure signs for their guidance, as the *color of the waters, the rocks of the beds, the shape of the mountains among which it ran, that went up on one side and descended by the other, the trees and shrubs of its banks*; and with these characteristic signs, it was not possible, in their judgment, to make a mistake.

Such was the result at which they arrived, notwithstanding that the guide found a complete similitude of these characteristic signs in the lower Pepirí of Arirapí with the upper Pepirí of the mistake, for they took both as a sole river, while the first flows into the Uruguay and the second into the Paraná.

The acceptance of such indications as signs of the authenticity of the river they looked for, shows scant judgment and a complete ignorance of the physical and manifest character of the region in which they operated, since the signs which determined their conviction are generally found, and with the greatest resemblance in all the rivers of the mountainous part of Misiones. Several facts of primary importance are to be taken into account.

The insistency in searching for a way of penetrating to the central ridge, looking for the source of the Pepirí of Arirapí, made them try to find upon the great fall of the Iguazú, a river which by its situation could agree in its sources with the said Pepirí.

The officers who separated for that exploration, returned on the tenth of September, one thousand seven hundred and fifty nine, «having navigated twenty leagues to the mouth of a river, the largest one they found, which flows into the southern bank, which they called the river San Antonio, and it seeming to them that as it was the largest, its course would be more extended, and its headwaters would be further to the interior southwards, they entered it and they explored a part of two branches which formed a fork, at two leagues from its mouth, it seeming to them that, according to the direction in which it flowed, its source could not be very distant from the headwaters of the Pepirí.»

In view of this information it was that the Commissioners resolved to send the geographers of both nations, with the order of ascending the river San Antonio, navigating it to where its waters would permit it; and leaving the canoes where they could not navigate it, to make openings in the direction which, according to their charts, would lead more to the south, and to follow the openings until assuring themselves that it was the same Pepirí, by *the identification of the mark left on its bank when it was entered by its mouth*; «that once assured that it was the Pepirí, the river found with its course towards the south, they were to ascend it to its source, and from it to pass to the nearest river, *which would be judged to be the same river San Antonio.*»

Those instructions were signed, together, by the two Commissioners, and their very clear terms, destroy the importance which, in the question, it is pretended to be given to the river San Antonio.

This river could not serve as frontier, unless in case that its source was the nearest to the one of the Pepirí.

From the headwaters of this the exploration was to proceed, in order to look for the nearest river, which would run to the Iguazú.

The San Antonio, according to the Treaty, the general instructions of the demarcation, the special ones of the Commissioners, and the intentions, clearly and by common agreement, manifested by them, could not be recognized as boundary but on *condition that it were the river flowing into the Iguazú, whose headwaters were found nearest to those of the Pepirí.*

If it was accepted as frontier by the Commissioners Arguedas and Alpoim, it was under the belief that its greatest proximity to the Pepirí was a fact.

If the Spanish and Portuguese geographers would have found the source of the Pepirí of Arirapí, or be it of the one they had explored by the part of the Uruguay, they would have not recognized the San Antonio as the frontier, but the river which in the annexed chart is marked with the letter C, or be it the one which in the Brazilian chart is called «Capanema.»

This is the one which has its sources near the ones of the Pepirí of Arirapí, and, therefore, the chosen one by the intention of the demarcators.

Those who have written in defense of the rights of Brazil show special insistence in proving that the demarcation of 1759-1760 was complete, as determining the frontier line, and correct as the execution of the Treaty which it should obey.

The Argentine Government in its memorandum of the thirtieth of January, 1883, said, in reference to this erroneous demarcation : «The operation was, therefore, in manifest contradiction with the rules to which it should have adjusted itself in the discharge of its labors, and suffered, as it has been said, of capital errors of nullity.»

And the contra-memorandum answered : «That no rule whatever was violated, for the Treaty established none. The Treaty described the dividing line, and did it without interruption, because it should be thus, but it did not determine that in the demarcations they should proceed in the same way, although it would be impracticable. The general instructions did not prescribe anything either. Yet the demarcators did what it was possible in order to go on with their work by the upper Pepirí, to find the principal source of the nearest river, descending it to the Iguazú.»

In the collection of editorial articles of «A Tribuna,» criticising the Bocayuva's Mission, which is found in a pamphlet entitled «A Questão das Missões,» in the same part in which is found what has been copied of those two memorandums, the author of those articles (the Baron of . . . ) makes, as from his own opinion, the following declarations :

«From the Journal of the works of 1759-1760, there results : 1st. As to the Pepirí, that, overcoming extreme difficulties, the said demarcators were able to discover and point out the source, not by the direction of all the river as they ascended it, but turning from the point where they had arrived, entering in the Uruguay, descending it, following the Iguazú to the mouth of

the San Antonio, and ascending the latter to where it was possible: after which, *by the examination of all the surrounding territory, the desired headwaters were determined.*»

And the same author in a confirmative note of the part of the Brazilian contra-memorandum, which we have transcribed, says: «The fact is that, on the 3rd of January, 1760, the demarcators signed the minutes of explorations, from which it appears that the principal source of *Pepiri-guazú* being found, and the San Antonio being immediately explored, THE DIVIDING LINE WAS TIED.

We shall prove the errors that all this contains.

The Argentine Government, had great reason to say that the rules which the demarcators were to have followed in the discharge of their commission had not been complied with.

The operation had not been made with reasonable adherence to the provisions of the Treaty.

According to the Treaty the line should be fixed from the mouth of *Pepirí* to its principal source, should pass from it to the nearest river flowing to the *Iguazú*, following it to said nearest river to where it flows into the *Iguazú*.

It was necessary to proceed in the same order, so as to assure the continuity of the frontier line.

In that region of woody mountains, it was not possible to arrive with certainty to the principal source of the river, without completely navigating it, by ascending to its source.

The author of the articles of «A Tribuna» knows this perfectly, for he can not have forgotten the uneasiness which he suffered, due to the capricious directions of the San Antonio-guazú of Oyarvide.

The demarcators of 1759-1760, therefore, violated the reasonable rules to which they should have adhered, in order not to incur in the ugly error of leaving established a frontier line with solutions of continuity in its course.

And the facts now discovered show, as a consequence of that fault, an error which weighs with overwhelming responsibility on the memory of the unsteady and very weak Commissioners of 1759.

The author of the quoted articles says that those demarcators *arrived finally to the sources desired*; and this affirmation is not exact.

The Joint Commission entrusted with the demarcation of 1759, was never at the source of the supposed *Pepirí*, and we challenge all the defenders of the rights of Brazil to prove to us the contrary.

The Commissioners abandoned feebly the only sure road of arriving to its discovery.

There is also want of exactness in the assertion *that the principal source being found of the Pepiri-guazú and the one of the San Antonio being immediately explored, the dividing line was tied.*

We already know that this principal source was not found, and as to that *the dividing line was tied*, it is an assertion of fancy, revealing little

seriousness, as it can not be imputed to ignorance on the part of the exponent.

The dividing line in the interior was not tied between the headwaters of the San Antonio, and the one of the supposed Pepirí, but between the former and one rising from the Uruguay, flowing into the Paraná.

This uniting or *tying* of the line is, at least, original, and we believe that it is the only one of its kind in the world.

There is no one who can reasonably and with justice be able to hold that the *false knot* made in the headwaters of the rivers in 1759-60 has united the frontier between the Iguazú and the Uruguay, since the knot was made by mistake between rivers flowing into the Iguazú and the Paraná.

The Brazilian contra-memorandum, already quoted, arrives among other conclusions to the following :

« 2nd. The demarcation of 1759-60 was *very regularly made* and in complete conformity with the Treaty of 1750, with the instructions given for its execution with the local tradition and with the map drawn and published by the Jesuits in 1722 and 1726.»

We have already seen with what regularity this demarcation was made, which was not only incorrect, incomplete but erroneous even as to the facts which I have already indicated, as taking as a tributary of the Uruguay another of the Paraná, and of accepting as frontier a Pepirí on the Uruguay and another different Pepirí at the headwaters.

And as to obeying the instructions, the demarcators themselves, in the very Portuguese Journal, declare that they departed from these instructions in order to follow the vague news of an Indian, as it is also unquestionable that it was not the map of the Jesuits, but the one of the Courts the one they carried, and the one they were to follow in order to recognize the true river.

This document also says that on *this demarcation which had not fault whatever*, the Treaty of 1777 was based. If it had not been vicious, as it was, and impracticable in fact, as it has been shown, the execution of the Treaty of 1777 might have been based upon it ; but what is there that can be founded upon error ?

What is true and undeniable is that that demarcation presents to us two different rivers, as if indeed they were only the same one.

Which of those two is the true Pepirí, according to that demarcation, as both can not be the one at the same time, no matter how much it be so desired.

Is it the one explored by the mouth, that is to say, the Arirapí ?

Then the one of the interior, the one explored at the headwaters, is the false one ; and as the San Antonio owes to this one its existence as boundary, it is as false as the one from which it derived its character.

It results that that San Antonio was not looked for from the headwaters of the Pepirí, but from those of another river which is completely out of the terms of the Treaty.

Is the true Pepirí, perhaps, the one explored as such at the headwaters ?

But then it results that it is not a tributary of the Uruguay, but of the

Paraná ; and we suppose that, however lively the desires of our neighbors be, and however insatiable their spirit of absorption, they will not hold that the frontier was united or *tied* in that part by the said Pepirí and the Paraná to the Uruguay, and it must be borne in mind that those two Pepirí, in what concerns the historical documentation of the demarcators of 1759-1760, have each the same authority, because each one of them was recognized as frontier in special minutes, signed by the Commissioners of the two nations.

They are two Pepirís as a geographical fact, but only one in the historical documentation of the demarcation.

As the two can not be at one time the same Pepirí, which one of them is the true one ?

If it is the one having its mouth in the Uruguay, the San Antonio is therefore false.

If it is the one of the interior, then the frontier is falsified.

In view of the documents left by the demarcators, both have the same authority, because they were acknowledged as frontier rivers in the respective minutes.

The defenders of the demarcators of 1759 are invited to explain these confusions, and to tell us clearly and definitely, without any digressions, which are the rivers, at which headwaters those gentlemen *tied* the dividing line between the Uruguay and the Iguazú.

We hold, as decisive conclusion, that the demarcators of 1759-1760 were never at the headwaters of the Pepirí of Arirapi, nor even suspected its true situation, and, therefore, they could not *tie* the dividing line.

But we have already said that the Treaty of 1750, and every thing done in its consequence, was annulled by that of 1761, the demarcation of 1759 being, therefore, also null.

If we have stopped to show the grave errors of that work, it is because the defenders of the rights of Brazil intend to base upon it their defense.

For us the work is twice null : first, because it was disauthorized by the Treaty of 1761 ; second, by the want of correctness of the proceedings followed by the demarcators and the errors which make it impossible, in practice, to repeat the frontier line in the vicious form in which it was established.

On the other hand, this demarcation was the origin of the troublesome question which we inherited from Spain, and which has been the only cloud in our relations with Brazil, endangering that peace of which both countries are in need.



1880

**Official correspondence of the Argentine Legation in Rio Janeiro, about the settlement of Military Colonies on the disputed territory. (\*)**

Argentine Legation in the Empire of Brazil.

No. 333.

RIO DE JANEIRO, October 17th 1880.

Mr. Minister.—In the *Diario Oficial* of to-day's date a notice has appeared from the War Department, announcing the appointment of two officers of the army, who shall leave to found two military colonies on the line of the rivers Pepirí and San Antonio, which the treaties of 1750 and 1777 established as the divisory line of the dominions of Spain and Portugal at the north-east end of our territory. The said notice refers to the decree of the Imperial Government of November 16th 1859 which created two military colonies in the province of Paraná, west of the rivers Chapecó and Chopim, which are the names given in the Brazilian charts to the two rivers denominated Pepirí-guazú and San Antonio-guazú by the surveyors in 1777.

I enclose Spanish translations of the said notice published to-day, together with the decree of 1859 and the instructions given at the time for the establishment of the said two colonies.

When these colonies are established there will be a sort of cordon of military colonies protecting the frontier line which the Government of Brazil claims to have a right to, and which it says to be in possession of. I beg to remind Your Excellency that I have reported to the Government the progress of these establishments in the last two years, as per my despatches Nos. 222, 226, 290 and 291.

On this occasion I must say to Your Excellency that so far, the Department has not acknowledged the receipt of my despatch No. 313 dated July 22nd of this year, wherein I sent the extracts made by me of the journal of the demarcators of 1759 relative to the Pepirí, with copy of the plan kept by the Secretary of Foreign Affairs of the Government. I should thank Your Ex-

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(\*) This is a translation of the original document of the Archives of the Argentine Department of Foreign Relations, which forms part of group D, No. 19, of manuscript documents of the « Argentine Evidence.»



cellency or advising me of its timely arrival, not only on account of the importance of the document, but because the loss of the map would be a great one.

I reiterate to Your Excellency the assurances of my most distinguished consideration. Signed.—LUIS L. DOMINGUEZ.

To His Excellency the Secretary of Foreign Relations of the Argentine Republic.

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Argentine Legation in the Empire of Brazil.

No. 1. Annex to despatch No. 333, dated October 17th 1880.

By order dated the 16th instant, the following officers were appointed for the commissions charged with the establishment of two military colonies in the province of Paraná, created by decree No. 2502 under date of November 16th 1859:

For the colony denominated *Los Chapeos*, the captain of the body of the Chief Staff of the first class, José Bernardino Bormann, as Chief; the Lieutenant of the second battalion of the foot artillery, Agricola Ewerton Pinto, as adjutant; and the honorary lieutenant of the army José Lucas Barboza, as Clerk and Treasurer of the colony.

For the colony denominated *del Eré*, the Captain of the Chief Staff of artillery, Francisco Clementino de Santiago de Dantas, as Chief; the first Lieutenant of the first battalion of foot artillery, Tertuliano da Silva Mello, as Adjutant; and the honorary Captain of the army, Felismino José Caldas, as Clerk and Treasurer of the colony.

(*Diario Oficial* of October 17th 1880.)

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Argentine Legation in the Empire of Brazil.

(*Translation.*)

No. 2. Annex to Despatch No. 333, dated October 17th 1880.

Decree No. 2502 of November 16th 1859, creates two more military colonies in the province of Paraná west of the rivers Chapecó and Chopim, at such points as may be designated by the President of the province.

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I have seen fit to create two military colonies in the province of Paraná; which shall be established as follows: one in the fields of Eré west of the rivers Chapecó and Chopim, and the other in the fields of Xagú, west of those of Guarapuava, at such points as may be designated by the President of the province; and they shall abide by the instructions accompanying this decree, signed by Joao de Almeida Pereira junior, of my Council, Secretary of State of the Empire, who shall so understand it and have it executed. Palace of Bahia, on the sixteenth day of November eighteen hundred and fifty nine, and thirty eighth year of the Independence and of the Empire.

With the rubric of His Majesty the Emperor, signed.—JOAO DE ALMEIDA PEREIRA, JUNIOR.

Instructions for the establishment of two military colonies in the province of Paraná, referred to in the decree of this date.

I Article.—The President of the province of Paraná shall establish two more military colonies in the said province, one west of the river Chapecó in the fields of Eré or still further west and at a point which he may judge proper, and the other, west of the fields of Guarapuava, on those of the Xagú or still farther west and also at the most convenient point.

II Article.—These colonies are destined for the defense of the frontier, for the protection of the inhabitants of the fields of Palma, Eré, Xagú and Guarapuava against the invasion of Indians, and to convert the said Indians into civilization with the help of the catechesis.

III Article.—In each of them, headquarters shall be established with the necessary comfort for the lodging of the unmarried colonists, and also for those married, so long as they have no houses of their own, and for the storing of arms and ammunition of war and fire-arms belonging to the colonies.

IV Article.—Each colony may have as many as fifty soldiers and the necessary officers to command them: the general command of the same will be given to one officer only who shall reside in the one most convenient to the service, in the judgment of the President of the province.

V Article.—In case of scarcity of people fit for the first settlement of the said colonies, the President of the province may hire the necessary number of colonists up to the number given in Article IV.

VI Article.—The hired military colonists shall serve two years and shall receive their corresponding military salaries payable by the War Department if the colonists are in the service of the army, and by the State Department if they belong to those specified in Article V.

The wives and children of both shall have right to one half ration during the first year of their settlement in the colony, the officers shall have, besides their military salaries, an extra pay to be suggested by the President of the province and approved by the Imperial Government.

VII Article.—Besides their salary, each one of the hired colonists shall be given, once only, an ax, a sickle, a hoe, a machete, a gun or carbine, one pound of powder, four pounds of lead, and a lot of land six fathoms front by fifty deep, fit for building houses in the spot where the colony may be established, and another lot of land destined for cultivation or raising of cattle, which shall never exceed one fourth of a square league on the ground for cultivation, and one square league on lands fit for raising cattle.

Art. VIII.—Ten leagues west of the left bank of the Pepirí-guazú, and ten leagues west of the right bank of the river San Antonio, a parallel with the said rivers shall be drawn, as far as their sources; and on these zones the President of the Province of Paraná, and, with his authority, the Commander General of the Colonies shall give the military colonists the grants referred to in the foregoing article, and besides the same, the very President may grant to other Brazilian citizens who may not be colonists, the lands they may ask for in the same zone, not exceeding one square league to each, if

they are lands for raising cattle, and one fourth of a square league, if they are lands for cultivation, and the total of these concessions to one hundred square leagues. All these concessions include the condition that they are lands to be inhabited immediately and cultivated by the concessionaries, or provided with cattle if they are pastures.

If this concession is not filled within one year from the date when it was drawn, or, if its settlement and cultivation should be interrupted for more than one year after it was filled, the concession shall expire, and the land granted will return to the public domain.

Art. IX.—The first fifty families who go out to settle in the zone of lands above described, shall have, for the first year, the right to rations, the chief receiving one full ration and the members of families one-half ration. The rations for the colonists of the latter class will be guided by that of the military colonists.

Art. X.—The persons to whom lands may be granted according to Article VIII, will be subject to military rule; the unhired peasants, although they are also subject to the same rule, will be only obliged to do police service and one day's labor every month in the works of general utility to the colony.

Art. XI.—The Direction of Public Lands will give further necessary instructions towards the best execution of these, and to accomplish the ends which these colonies are destined for.

Palace of Bahia, November sixteenth, one thousand eight hundred and fifty-nine.—(Signed) JOAO ALMEIDA PEREIRA, JUNIOR.

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Argentine Legation in the Empire of Brazil.

RIO DE JANEIRO, October 25th, 1880.

No. 335.

Mr. Minister :

In my official communication 333 I said to Your Excellency that one of the colonies which had been ordered to settle on the line of the Pepiri, was called *de los Chapcos*. On the following day the *Diario Oficial* announced that there was a mistake in the name, and that the true one was *Chapcco*.

In the *Diario Oficial* of yesterday it is stated that the Department of War has given the necessary orders for the appointed Commissions to be provided with the instruments, ambulances and other necessary objects for the settlement of said colonies.

I renew to Your Excellency the assurances of my highest consideration.

LUIS L. DOMINGUEZ.

To His Excellency, the Minister of Foreign Relations of the Argentine Republic.

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Annexed to the Official Communication, No. 335.  
Military Colonies.—Department of War.

RIO DE JANEIRO, October 18th, 1880.

Most Illustrious and Excellent Sir: Sending to Your Excellency a copy

of the instructions which on this date are given to the chiefs of the Commissions charged with settling the colonies of Chapecó and Eré, created by decree 2,502 of the sixteenth of November, one thousand eight hundred and fifty-nine, I declare to Your Excellency, for your knowledge and due effect, that you are authorized:

First—To order that the necessary materials be provided for the settlement and work of the Commissions which have not been sent from this Court or have been sent already by the Intendence of War.

Second—To provide means of transportation, not only to the personnel of the Commission of the colonies, but also for the material, including horses and beasts of burden.

Third—To order ten soldiers of the second corps of cavalry to appear before each one of the Chiefs of the Commissions, being careful that said soldiers be taken from the most moral and disciplined, who have a trade of carpenter or blacksmith, or any other necessary for the settlement of the colonies and aptitudes for the services of transportations. These detachments will be commanded by sub-officers or corporals of acknowledged confidence, those who may satisfy the conditions above-mentioned, to be preferred, not only for the commands of the detachments, but as well for its composition; soldiers who are soon to finish their term of service, who may wish to settle in the colonies which are going to be founded; or who, on account of having families who will accompany them, may give warrant of their remaining. The soldiers above-mentioned will go with the Commissions, besides those who may embark from this Court with the same purpose.

Fourth—To order to provide the cattle of every kind which would be needed for the settlement of the colonies. This provision must be made in the most convenient time and manner.

Fifth—To resolve upon the payment of the wages of the personnel of the Commission and colonies or of other authorized expenses in the most convenient manner.

Sixth—To order funds to be advanced to the Chiefs of the Commission in the exact amounts for the payments which they may have to make in the first months.

God may guard Your Excellency.

VISCOUNT OF PELOTAS.

To the President of the Province of Paraná.

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To' of Santa Catalina, determining that the tools belonging to the Seventeenth Battalion of Infantry, be sent to the Rio Grande do Sul, which tools remained kept in the armory of the Company of the same arm which existed there, when the said Battalion went to that province.

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To' of Rio Grande do Sul.

Department of War.

RIO DE JANEIRO, October 18th, 1880.

Most Illustrious and Excellent Sir: A military colony is to be founded in the vicinity of the mouth of the river Chapecó, in the Province of

Paraná, and I declare to Your Excellency that Captain José Bernardino Bormann, charged with the establishment of the said colony, to whom it is ordered that as soon as he arrives there to communicate it to that Presidency, Your Excellency must give him all the aid for the good fulfilment of the Commission with which he is entrusted; it being also convenient, that Your Excellency give the necessary orders for the authorities of the north of that province, who are near the mouth of the river referred to, so that they may help equally the said officer.

God may guard Your Excellency.—VISCOUNT OF PELOTAS.

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Señor President of the Province of Rio Grande do Sul.

To the Councillor Adjutant General of the Army, determining that forty soldiers of infantry be ready to embark for the Province of Paraná, destined to the colonies which are going to be founded there; said soldiers must be taken from the moral and disciplined ones, who have trades useful to the colonies, preferring those who satisfy the conditions above-mentioned, who are soon to end their term of service, and who will oblige themselves, and so declare, to settle in the said colonies; said soldiers must go armed, ammunitioned, equipped, and paid of their salaries which have become due.

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To the Direction of the Military Archives, ordering to provide each one of the Commissions, charged with the foundation of the military colonies in the Province of Paraná, with an instrument of those which are referred in its communication of this date, number 213; providing that those which, perhaps, do not exist in the said Archives may be bought.

To the Captain Francisco Clementino de Santiago Dantas.

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DEPARTMENT OF WAR.

RIO JANEIRO, October 18th, 1880.

You having been appointed Chief of the Commission charged with the foundation, in the Province of Paraná, of the Military Colony of Eré, created by Decree 2502 of the 16th of November, 1859. I declare to you, that, in the fulfilment of the Commission referred to, you must observe the enclosed instructions, and I send to you, for your acknowledgement, a copy of the notice which I address to the Presidency of that Province in regard to the said affair.

Moreover, I declare to you that an order has been given to the Intendency of War, the Military Archives and to the Military Hospital of this Court for the instruments and the other objects, which are stated in the annexed accounts, to be delivered to you. God may guard Your Excellency.

VISCOUNT OF PELOTAS.

Señor Francisco Clementino de Santiago Dantas.

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In the same terms to the Captain José Bernardino Bormann, appointed Chief of the Commission charged with founding the Military Colony, sending to him, also, a copy addressed to the Presidency of the Province of Rio Grande do Sul, referring to the same object.

(*Diario Oficial*, Rio de Janeiro, October 26th, 1880.)

Argentine Legation in the Empire of Brazil.

No. 368.

PETROPOLIS, March 11th, 1881.

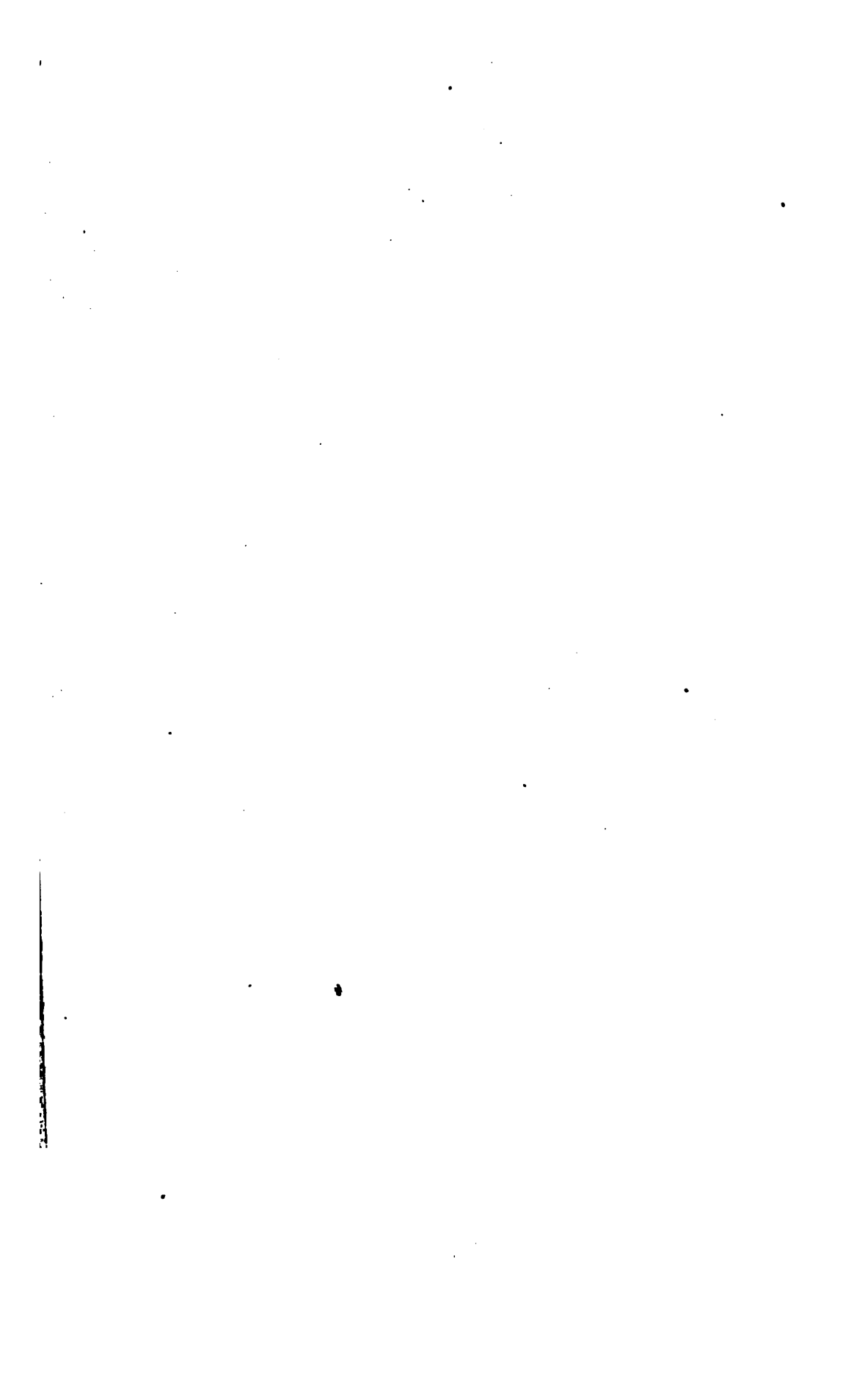
Mr. Minister :

The 3d instant I had a private conversation with the Emperor, in which, after he asked me for news of my country, as it is his custom, he talked to me about our boundary question. It is necessary, he said, that we settle this question, because it is convenient for all, and in this there is no difficulty. I answered him that the Argentine Government was in the best disposition to do so ; and His Majesty, after adding some words which showed his great wish of arriving at such a conclusion, ended by saying to me that the Minister of Foreign Affairs would talk with me, very soon, upon the matter.

In fact, Señor Pedro Luis came to this city the 6th, and on the same day he called on me, without referring to the affair ; but on the following day, we met twice and then he declared spontaneously to me, that he wished to inform me about what had happened in regard to the two military colonies which were ordered to be established on our frontier of the river Chapecó and Chopim. He assured me that he knew nothing, when the Minister of War resolved to send there Captains Bormann and Dantas to found those military colonies ; that as soon as he knew it, he declared to the Minister of War that such a measure was inconvenient, that such an affair appertained to his Department and not to that of War ; and that immediately, orders had been given for those officers to withdraw from the frontier. He added that at the same moment that such an order was being given, news arrived that Captain Dantas and all those who accompanied him, had been murdered in the Campo de Palmas, or Eré ; that this has alarmed the Government very much, but that in these days he had received a telegram from the President of the province of Paraná, communicating to him that the news were utterly false. I said that it was probably an invention of those who, for some time, have been propagating by means of lies and false news, in order to cause a conflict between the two countries ; that I am sure that the Argentines who work in the *yerbales* of San Javier, or in others more to the north, do not even reach near those fields which remain at eighty or a hundred leagues distant through deserts and mountainous places and only occupied by some tribes of wild Indians.

We mutually declared to each other our best wishes for preserving the good friendship between the two countries, and the Minister ended saying *that he hoped that the way would be found to settle the boundary question in a convenient manner, without hurting, in the least, the self esteem or the susceptibilities of any one.* Then I declared to him that I thought very convenient the withdrawal of those two colonies and that this done I believed also that there would be no difficulties, in the friendly conclusion of the question.

I again renew to Your Excellency, the assurances of my greatest consideration.—LUIS L. DOMINGUEZ.—To His Excellency Señor Doctor Don Bernardo de Irigoyen, Minister of Foreign Relations of the Argentine Republic.



1882

**ARGENTINE POSSESSION IN MISIONES,  
RECOGNIZED BY BRAZIL.**

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**Declarations of Brazil that its military Colonies, which the Argentine Government considered as lying within the disputed territory, for which reason it made claims and commenced to take defensive measures, were situated outside of the territory in dispute. (\*)**

Imperial Legation of Brazil.

Buenos Ayres, June 2nd 1882.

Honorable Minister:

The Argentine Government issued, with date of the 16th of last March, a Decree, dividing in five Departments the Territory of Misiones, transferred a short time before, from the provincial dominion to that of the nation, and that a Governor for that territory has already been appointed.

The Imperial Government can not assent to any act whatever of jurisdiction of the Argentine authorities in the territory as to which is the question between the Confederation and the Empire; and desiring to avoid complications and maintain the relations of friendship which happily exist between the two countries, request me to propose to Your Excellency, the opening of negotiations for a definitive adjustment of the question of boundaries.

I request Your Excellency to answer me with the urgency that the matter requires; and I take advantage of this opportunity to have the honor of again assuring you of my highest consideration.

BARON DE ARAUJO GONDIM.

To His Excellency Doctor Victorino de la Plaza, Secretary of State in the Department of Foreign Relations,

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(\*) These are translations from the documents printed in pages 3, 4, 6, 7, 8, 9 and 10 of the official publication entitled: " Documentos sobre la cuestión de límites en Misiones entre la República Argentina y el Imperio del Brasil. Buenos Aires: Imprenta de Juan A. Alsina, 1883." which accompanies the " Argentine Evidence."



Ministry of Foreign Relations.

BUENOS AYRES, June 10th 1882.

Honorable Minister:

On Saturday the 3rd instant, I received from Your Excellency, a note dated the 2nd, in which you state that this Government issued, with date of the 16th of last March, a Decree dividing in five departments the territory of Misiones, transferred a short time before, from the provincial dominion to that of the nation, and that a Governor for that territory has already been appointed—

That the Imperial Government can not assent to any act whatever of jurisdiction of the Argentine authorities in the territory as to which is the question between the Confederation and the Empire; and desiring to avoid complications and maintain the relations of friendship which happily exist between the two countries, has requested you to open negotiations for the definitive adjustment of the question of boundaries.

I have informed the President of the said note of Your Excellency, and he requests me to answer you as follows:

The Government, in fact, issued the Decree to which Your Excellency refers, and appointed Governor for the administration of those territories, giving due execution to the Law of December 22nd of last year, sanctioned by the Honorable Congress, fixing the boundaries of that national territory, without understanding that by this any motive whatever of complication or conflict in the friendly relations which happily exist could arise.

And as to the proposition of opening negotiations for the settlement of the question of boundaries, it gives me pleasure to communicate to Your Excellency that this Government has always been, and is, ready to reopen them, so as to end, as soon as possible, a question which none of both nations has any object in postponing.

To this end, be it allowed me to remind Your Excellency that in the year 1875, negotiations were also opened and propositions exchanged, although of private character, between the distinguished predecessor of Your Excellency, Baron Aguiar d'Andrada, and the then Minister of Foreign Relations in this capital, Doctor Don Bernardo de Irigoyen, and they were suspended by suggestion of the Señor Baron de Cotegipe, at that time Minister of the Imperial Government, as can be seen by the correspondence dated the 5th of October 1876, from the Baron Aguiar d'Andrada addressed to Minister Irigoyen, in which he expressed the folloing:

“ By the last steamer which arrived from Rio, I have received from the Baron de Cotegipe, the answer to the last proposition of Your Excellency for the settlement of the question of boundaries.

“ In that despatch, His Excellency tells me the following:

“ After duly weighing all the circumstances, of the question, the most prudent course is to leave it in the state in which it is, and wait for time to give it a convenient solution.

“ I therefore recomend Your Excellency to declare to Doctor de Irigoyen that the Imperial Government can not accept his last proposition, and considers as ended the negotiation with which you were charged.”

Later, in March of the year 1881, the Minister of the Imperial Government, Pedro Luis de Souza stated to the Minister Plenipotentiary near the Government of Your Excellency, that he believed a convenient way could be found of arranging the question, without wounding in the least anybody's self esteem or susceptibilities.

The Minister declared further; on account that the establishment at that time, of two military colonies upon the frontier of the territory in question, had been ordered, he assured Señor Dominguez, that he had not known when the Minister of war resolved to send there Captains Bormann and Dantas to establish those military colonies; and that as soon as he was advised of it, he declared the measure inconvenient, orders having been given immediately for those officers to retire from the frontier.

Señor Dominguez answered that the withdrawal of those colonies was convenient, and that this once made he believed also that the friendly termination of the question would not be difficult.

Nevertheless, as Your Excellency knows it, these Colonies still exist, and they have been increased.

These facts being communicated to the Ministry, Señor Dominguez was advised to communicate to the Minister of Foreign Relations that this Government accepted the idea of fixing definitively the dividing line of the Empire with this Republic. This declaration was transmitted by Señor Dominguez, in a note dated the 5th of April of that year, and he was answered with date of the 12th of the same month, by the Minister of Foreign Relations who expressed that, on the part of the Imperial Government, the friendly intention which it had declared in regard to this matter, still subsisted; but that, nevertheless, it did not considered convenient to go any further until he knew the result of an interview, which Your Excellency was to hold with the Minister of Foreign Relations in this capital; and thus the investigation remained pending.

I have reminded Your Excellency of these facts simply to show what has been always the decision of this Government to end this question; and I can add yet that to-day, before the necessity of delivering that territory to civilization and industry, it is indispensable to arrive at a settlement, for the evident reason that neither to the interests of the Empire nor to those of the Republic can it be convenient to maintain it sterile.

Therefore, if as I ought to suppose, Your Excellency is authorized and provided of the necessary instructions to treat of this affair, I take pleasure in communicating to you, complying with the ones I have received from the President, that we can commence negotiations, and I await, for that purpose, your suggestions.

I take advantage of this opportunity to have the honor to renew to Your Excellency the assurances of my most distinguished consideration.

V. DE LA PLAZA.

To His Excellency, the Envoy Extraordinary and Minister Plenipotentiary of Brazil, Baron de Araujo Gondim.

Imperial Legation of Brazil.

BUENOS AYRES, July 29th, 1892.

Honorable Minister:

I hastened to communicate to the Imperial Government the note which Your Excellency addressed me with date of the tenth of last month, in which you replied to mine of the third, that Your Excellency is ready to enter into a new negotiation for the definitive adjustment of the pending question of boundaries between Brazil and the Argentine Republic.

The Imperial Government was sure that its invitation would be accepted with the good will shown on all occasions. The Argentine Government, indeed, accepted the invitation of 1857, and as Your Excellency recollects, those of 1876 and 1880. I must, nevertheless, observe that it refused to ratify that of 1857, although it had deserved its approbation and that of the Congress. In the second one is made propositions which, not being acceptable, prevented the celebration of a settlement; and in the last, for reasons independent of the Imperial Government, it failed to decide as to a suggestion which I made to Dr. Gonzalez in one of the several interviews which I had with him, from the month of January, and in which I confidentially prepared, complying with the instructions I had received, the negotiation to which Councillor Pereira de Souza refers in the note to Señor Dominguez of the fifth of April, quoted by Your Excellency.

**Passing to another point, allow me to assure Your Excellency that he is not well informed when he says that the military colonies subsist and are increased, notwithstanding the declaration made to Senor Dominguez. Those colonies are founded on the left bank of the river Chapeco and on the right of the Chopim; that is, in territory recognized as Brazilian, outside of the one in question, between the two countries.**

I will now proceed to speak of the mission with which I have been entrusted: In the feeling of the Imperial Government, the negotiations prepared by me in 1880 can be taken at the point where they were left, on account of the suggestion to which I have referred, which was to substitute the Article II of the Treaty of 1857, with another, the tenor of which I submitted. I have, therefore, the order to propose to Your Excellency the said article to be substituted, which is the following:

« The rivers Pepirí-guazú and San Antonio, of which the preceding article treats, are: the first, the tributary which flows on the right and northern bank of the Uruguay, a little more than a league further up of its great fall, and in latitude  $27^{\circ} 9' 23''$ ; and the second, running opposite to the former, and the first important tributary which flows by the southern or left bank of the Grande de Coritiba or Iguassú, starting from the confluence of this one with the Paraná, and in latitude  $25^{\circ} 35'$ . Both spring from the same plateau in the mountains, dividing the waters of the Uruguay and Iguassú rivers, and their sources are hardly distant from each other, five hundred paces between  $26^{\circ} 10'$  and  $26^{\circ} 12'$  of latitude; the Pepirí-guazú running with straight bearing of  $15^{\circ}$  degrees southwest, and the San Antonio with the one of  $26^{\circ}$  north-west. » I have the honor to renew to Your Excellency the assurances of my most distinguished consideration,— BARON DE ARAUJO GONDIM.

To His Excellency, Dr. D. V. de la Plaza, Minister of Foreign Affairs.

1885

**Preliminary negotiation of the Treaty celebrated between  
the Argentine Republic and Brazil in the  
year above mentioned. (\*)**

PROTOCOL.—In the City of Rio de Janeiro, on the twenty-seventh of January of eighteen hundred and eighty-five, the following gentlemen assembled in the office of the Secretary of Foreign Relations, to wit : The Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, Dr. Don Vicente G. Quesada, and the President of the Council of Ministers filling *ad interim* the office of Foreign Affairs the Councillor Manuel Pinto de Souza Dantas, to confer confidentially and privately upon the negotiation about boundaries which was still pending in the same character, and they agreed that the written exposition of the first conference should be held as definitely authenticated through the letters mutually exchanged, as its contents are correct, which is hereby confirmed for the greater clearness in this act.

His Excellency the President of the Council stated : That according to the promise made by him to the Argentine Minister at the first meeting, he conferred with his colleagues of the Cabinet regarding the confidential and private proposal to His Excellency, augmented and modified *sub conditione* touching the first basis; that after considering the proposal thus modified, the Government, notwithstanding it sees in the same a new proof of the Argentine Minister's wishes, which on his part are sincerely reciprocated, to adopt an arbitrage which, in his judgment, may determine a definitive solution

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(\*) This is a translation from the document which duly legalized forms part of group D, No. 20, of manuscript documents of the "Argentine Evidence."

of the question of boundaries, with all, he still believes that for the reasons stated at the foot of the note of December the 30th. of last year which are now referred to, it should stand on this ground, thus honoring the conviction with which the Imperial and Argentine Governments have, on either part, made efforts to demonstrate the right they believe to have, always prompted by the best intentions. In fact, in the proposal of December the 30th, the Imperial Government said very distinctly that it is their mind to resolve the question in accordance with the principle of justice and right.

The Argentine Minister stated :

That the President of the Council may allow him to express his surprise at seeing the very proposition which has been officially made to the Cabinet of Buenos Ayres, brought to a debate in the confidential negotiation, as it was not logical to treat about one and the same topic confidentially, both here and officially at Buenos Ayres, that regarding this proposition he abstains from entering into discussion, not only for what he has stated but because he has not nor could he have had authorization from his Government to whom the right exclusively corresponds to appreciate its merit and discuss it ; that, meantime, he begs permission of the President of the Council to remember the particulars of the confidential negotiation which the Argentine Minister always sustained, as was acknowledged by His Excellency at the first conference; that this negotiation was different from the official, so that he could not suppose that it was ever intended to join and confound them ; that the Baron of Cabo Frio, with the authorization from the ex-Minister Councillor Soares Brandão presented in writing the bases for the private negotiation, he declared with frankness that he had no authorization from his Government to treat the boundary question, radicated at Buenos Ayres, stating however that, if a solution putting an end to this question could be found privately, he would agree to transmit it to his Government and report in person if necessary ; that, this negotiation was promoted in good faith and loyalty, and that confidentially he was advised that the Council of State had been called to be consulted as to its merits, that he begs leave to remind His Excellency that he himself stated afterwards that, before all, it has been resolved to reply to the Argentine Memorandum, after which the Imperial Government would be in a position to give an answer to the bases referred to ; that the same was transmitted to him by the ex-Minister Councillor Matta Machado, with whom he had the honor to confer several times in private ; that compelled by personal affairs to leave Buenos Ayres, and as he went to take leave from His Excellency, the latter asked him to postpone his trip five days, as the moment of treating about the confidential negotiation had arrived; that being unable to accede, His Excellency asked him to return soon in view of the ulterior matters still pending, which was the reply to the written bases, and that His Excellency was so kind as to write in this sense to the Minister of the Empire at Buenos Ayres, who so expressed it to the Minister of Foreign Relations and to the President of the Republic ; that, in fact, he only remained eleven days in Buenos Ayres, and upon his return he placed himself at the disposal of His Excellency to treat about the pending negotia-

tion; that it is well that the President of the Council remember, that when he had the kindness to go to his house and stated the proposition the Government of Brazil was making to the Argentine, both agreed that the said proposition excluded the confidential negotiation, and the Argentine Minister added, that even if it was accepted by his Government, the confidential negotiation could be continued, as, in fact, the general study that is contemplated of the four rivers and the territory lying within them, did not exclude the commissions from laying out a convenient line of demarcation subject to the approval of both Governments for, on the contrary, it fixed, *bona fide*, the object of that study, which is not a definitive resolution; that the President of the Council will allow him to repeat that he is now surprised that in view of the answer to the written bases, the same proposal of the preliminary study is now presented as indeclinable; that if such was the mind of the Cabinet he cannot understand the object of asking him to return soon from Buenos Ayres, when that proposal was precisely the official negotiation about which the Argentine Minister has neither right nor authorization to treat; that he must leave these particulars clearly established, to save his reputation, as his Government would be unable to understand why his quick return was asked, simply to repeat the same proposition that was made in an official manner by Señor Alencar at Buenos Ayres; that the question being placed on this ground, he cannot continue discussing the same, and it only remains for him to once more assever the loyalty of his proceeding and the good intentions of the Argentine Government to whom he will give an account of all that has occurred, thus closing, on his part, what he has to state at this conference, and withdrawing *de facto* and expressly the bases of the private negotiation.

The President of the Council asks leave to say that he considers without foundation the surprise expressed by His Excellency in seeing the same proposal made officially to the Cabinet of Buenos Ayres, brought to debate at the confidential negotiation.

The Argentine Minister expressing the desire to obtain from the Imperial Government a reply to the confidential proposition, lately augmented and modified *sub-conditions*, it was the duty of the President of the Council to accede to it, which he did after conferring with his colleagues of the Cabinet. In reality, the President of the Council, in his reply, referred to the official proposition contained at the end of the note of December 30th, but it was not his intention to bring about a debate with the Argentine Minister regarding the said proposal; he merely wanted to advise him that even if the private and confidential proposition was not accepted, the idea contained in the official proposal emanated from its examination and the study of the boundary question. And the reasons by which the Imperial Government thought thus, were frankly expressed in the referred note of December the 30th. From what he exposes, the Minister sees well that there was not, nor is there, a mind to join and confound the proposals; on the contrary the conclusion might be drawn that the confidential was substituted by the official.

The President of the Council asked leave to remark that according to

the information of Baron de Cabo Frio, the bases presented by him privately, by virtue of the denomination of the Councillor Soares Brandão, hardly reproduced in regular and complete form, for a better understanding, the idea also previously suggested in private by the Argentine Minister to the same Baron in personal conversation.

The Imperial Government offered the greatest consideration for the confidential proposition, without contradiction, it being also true that, when questioned by the Argentine Minister as to how the very Government faced it, he answered that, the Council of State having been consulted regarding the particular bases, the very Government resolved to answer, first of all, the Argentine Memorandum, which when done would give the Minister the reply regarding the confidential and private bases.

That from the fact referred to by the Argentine Minister, that the President of the Council asked His Excellency to delay his departure for Buenos Ayres some days, it could not be concluded but that on the part of the Imperial Government there existed all the desire to arrive at an understanding with the Minister about the advisability of the Argentine Republic accepting the official proposal.

That, being acquainted with all, in such a case, the Minister would leave for Buenos Ayres on the promise to return immediately. This is why, besides the request to the Minister, the President of the Council, in a letter to the Brazilian Minister in that city, expressed the desire that His Excellency should return in a short period to continue the ulterior terms of the negotiation. It is quite true that in the words "ulterior terms of the negotiation," which were used in the letter to the Brazilian Minister and were repeated by the latter in the reply wherein he advised him having complied with the orders he received, all the mind of the Imperial Government was expressed, and it is: that on its part, if the official proposal was preferred, the negotiation could be accomplished at this Court, to which end the Minister is authorized with full powers. And the President of the Council still continues to believe so. The cause of the request made to the Minister to delay his departure, recommending Señor Alencar, Brazilian Minister to intervene in order that the stay of the Argentine Minister at Buenos Ayres might be short, being explained in this form, nothing remains for the President of the Council but to expect that His Excellency shall continue seeing in all the proceedings of the Brazilian Government an incontestable proof of the conviction it possesses of the good faith and loyalty with which the Minister has treated this question.

The Argentine Minister, after hearing the exposition of the President of the Council, asked leave to state that perhaps that was the thought, but it was not expressed with such clearness as would allow him to understand it, for he would have not agreed with it, as the two negotiations were different in their means and object. (Signed).—VICENTE G. QUESADA.—M. P. DE SOUZA DANTAS.

1891

**MEMOIR**

**of the Argentine Commission of Boundaries with the United  
States of Brazil. (\*)**

By virtue of the Treaty of September 28th, 1885, the following gentlemen met in Montevideo in the beginning of September 1886, to wit: the Argentine Commissioners, Colonel Don José Ignacio Garmendia, Lieutenant Colonel Don Arturo Scelstrang and Lieutenant Colonel Don Valentin Virasoro, and the Brazilians Señor Baron de Capanema, Commander Don José Cándido Guillobel and Lieutenant Colonel Don Dionisio Evangelista de Castro Cerqueira; at the meetings the following third Commissioners of both nations acted as Secretaries, to wit: Lieutenant Colonels Don Valentin Virasoro and Don Dionisio Evangelista de Castro Cerqueira.

At the meetings which took place the method to be pursued when proceeding to work was agreed upon, adopting the limit of toleration in the survey; it was agreed that Palmas should be the center of reunion of the Commissions, and that they should not definitely begin work until the following March, employing in themselves in the meanwhile, until that date, in the preparations for the expedition, among which was the study of the resources, that might be found in the places to be surveyed, and of the supply and means of transportation that would be necessary to concentrate, at adequate points, towards this object.

It was also agreed that paths should be opened at the banks of rivers

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(\*) This is a translation of the original document existing in the Archives of the Argentine Department of Foreign Relations, which, in copy duly legalized by the United States Consul, forms part of group G, No. 21, of manuscript documents of the « Argentine Evidence.»



where canoes could not be used, so that the different parties might not lose time suspending their topographical operations thus delaying the progress of the explorations.

In view of these deliberations, the Argentine Commission sent the third Commissioner Lieutenant Colonel Don Valentin Virasoro with his adjutants, who proceeded :

1st.—To open paths to facilitate the transportation of provisions from Paggi to the mouth of the Pepirí-guazú, where they built a depot for storing provisions and materials.

2d.—Another path from San Pedro running from West to East as far as the bank of the said river Pepirí-guazú, with the same purpose.

3d.—Another from the Pass of the Raft over the Chopim to the Port of Moraes.

4th.—Another from the source of the Pequirí-Guazú to the San Antonio Guazú de Oyarvide or Jangada.

5th.—The paths that run from Campiñas de Américo to San Pedro, Paggi and Pirai were cleaned in part and freshly opened.

6th.—The path running from the Estancia of Lucio Mendez to the Baths of the Pequirí-guazú ; although this path was an old one it was found almost closed.

7th.—From the source of the Pepirí-guazú the survey was continued of the rivers that descend from the division of waters, and the raising of the preliminary plan was conducted as far as the source of the Pequirí-guazú and that of the Chopim which were surveyed, as also those of the San Antonio Guazú de Oyarvide or Jangada of the Brazilians, as this is the river which appears under that name in the memoir of Oyarvide.

8th.—They proceeded to construct nine canoes at Port Moraes for the party descending by the Chopim, four at the mouth of the Pepirí-guazú, and eight at Reyuno Pass.

The Brazilian Commission on their part prepared all the necessary material sending at once some aides given them by the telegraph department to initiate the following works :

1st.—Surveying of the Pepirí-guazú, and when this was done, they opened a path from its source to the last waterfall they could reach with canoes, not only to facilitate the measure, but also to facilitate sending resources if necessary.

2nd.—They proceeded to the opening of the path along the Chapecó or Pequirí-guazú from its first great waterfall to its source.

3d.—From the source of the Chopim or San Antonio Guazú to the Raft, the spot where the said river is crossed by the road of Guarapuava to Boa-Vista, a path was also opened at the same place.

4th.—Canoes were ordered to be ready at the Port of Chalanas on the Uruguay for the exploration of the Pepirí-guazú or Pequirí-guazú and Chapecó and the stretch between the Uruguay. At the Raft, canoes were also ordered to be ready for the exploration of the Chopim or San Antonio Guazú and of the Iguazú as far as the mouth of the San Francisco.

On the 12th of March, 1887 the Argentine Commission started from Buenos Ayres arriving at Santo Tomé on the 18th, where it was delayed on account of the quarantine established on the frontier of Rio Grande; they crossed the Uruguay at San Borja and continued their march as far as Nonohay, where they arrived on the 1st of June, the Brazilian Commission meeting them at this point.

This delay was not only caused by the disappointment which are unavoidable in a long journey and the inclemency of the season, but by having had to wait at San Jacobo for the results of the telegraphic conference in progress at the time, between the first Brazilian Commissioner and the third Argentine Commissioner regarding the agreements about the meeting of the parties.

On the 27th of March, 1887, the Brazilian Commission left Rio Janeiro, having been preceded by the Secretary the Major Don Esteban Joaquin de Oliveira Santos and his aides, with the military contingent of fifty men, with the object of contracting and preparing the supplies and all that might be necessary; the Brazilian Commission arrived at Palmas on the 21st of April.

The Commissioners of both nations meeting at a conference in Nonohay, determined to make use of the triangulation as much as possible, without asserting the obligation to extend the net over all the territory; and also to divide the personnel of the Joint Commission in five parties with the object of reducing the duration of the work and prevent the inconveniences that might be found in an exploration made in an unsettled and particularly irregular country, as also numerous groups; and that these should not separate in detached parties to prevent interruptions, and that they should meet only at points of juncture.

The parties were then composed as follows:

The 1st. The second Argentine Commissioner, Lieutenant Colonel Don Arturo Seelstrang, his Adjutant Lieutenant of the Navy, Don Juan C. Picasso, and the Aides, Naval Ensigns Don Fernando L. Dousset and Don Manuel J. Lagos, and the third Brazilian Commissioner, Lieutenant Colonel Don Dionisio E. de Castro Cerqueira, his Aide second Lieutenant Don Juan de Rego Barros, and Lieutenant Don Antonio Leite Ribeiro. This party would ascend the Pepirí-guazú and continue from its principal source by the highest ground, as far as the principal source of the San Antonio, and descend by the latter as far as the Iguazú.

The 2nd. The third Argentine Commissioner, Lieutenant Colonel Don Valentin Virasoro, with his Adjutant Major Don Jorge J. Rhode, and the Aid Ensign Don Jorge Victorica, and the second Brazilian Commissioner, Captain Don José Candido Guillobel, and his Adjutant the first Lieutenant of the Navy Don Federico Ferreira de Oliveira. This party would ascend the Uruguay and the Pequirí-guazú, or Chapecó, as far as its source, and from there pass to that of the San Antonio-guazú or Chopim, descending by the latter as far as the Pass of the Raft.

The 3rd. The Adjutant Lieutenant of the Navy, Don Manuel Domiecq García, and the Aides, Naval Ensign Don Juan A. Martin, and second Lieu-

tenant Don Benjamin García Aparicio, and on the part of the Brazilians, the Adjutant Major Don José Jardin, the Ensign of the contingent Don Sebastian Basilio Pyrrho, and the Aide Don Teodoro Kleine, who should descend by the Chopim or San Antonio-guazú. This party, after leaving the Pass of the Raft by the Chopim, should continue by the Iguazú as far as the mouth of the San Francisco.

The fourth party under the direction of the Chief of both Commissions consisted of the technical Aides Naval Ensign Don Vicente E. Montes under Señor Colonel Garmendia and Don Emilio Odebrecht under Baron de Capanema, who were charged with the geodesical work, principally for the determination of the cardinal points of the intermediate land, with the purpose of binding with the same the explorations to the centre, in view of the inability to determine longitudes with sufficient accuracy, owing to the impossibility of transporting chronometers by rivers full of reefs, with such care as is indispensable to preserve their regularity. It was thus necessary to be satisfied with determining frequently, by astronomical observation, the true azimuths in order to ascertain the polygon surveyed, the sides of which were all measured twice, as a matter of confirmation.

The chiefs of both Commissions agreed upon taking Palmas as the center of operations, where at any moment they could give account to their Governments by telegraph of the state of the work.

Latter, a fifth party was organized on agreement between the two first Argentine and Brazilian Commissioners, and the first was divided, as the second Argentine Commissioner remained at the source of the San Antonio, owing to his state of health not permitting the exposure and fatigues that would be caused by the descent on that river. This was accomplished by the third Brazilian Commissioner, Lieutenant Colonel Don Dionisio Cerqueira, and the Argentine Adjutant Lieutenant Don Juan C. Picasso.

The second Argentine Commissioner, Lieutenant Colonel Don Arturo Seelstrang, with his Aide the Ensign Don Fernando L. Dousset, the third Brazilian Adjutant Don Juan Rego Barros, the Lieutenant Don Antonio Leite Ribeiro Junior, and the Cadet Don José Leandro Braga Cavalcante, officers of the detachment, as Aides, busied themselves with the raising of the longitudinal profile and the transversals between the principal sources of the San Antonio and Pepirí-guazú, in order to leave the highest spot between the two rivers perfectly determined.

With this object, a large extension of path had already been opened with the personnel of both parties, and this was also entrusted, in case of necessity, to take help to the party ascending the Pepirí-guazú.

It was also resolved to proceed to the exploration of the Chopim or San Antonio-guazú in two parties, as the crossing of the raft was a point which could be perfectly determined by the party descending from there, to be met by the other which, ascending the Chapecó or Pequirí-guazú, would pass from its source by the highest spot, to those of the Chopim or San Antonio Guazú.

Besides, all these points would be determined by triangulation.

The distribution of the work being thus organized, it was begun on the seventh of June, 1887, the first and second parties descending the Uruguay as far as the Pepirí-guazú; both proceeded, with all the details of the case, to the determination of the mouth of that river, making careful notes of all the particulars, and once the plan traced by the second Argentine Commissioner with soundings and levelings, it was signed by the two Argentine Commissioners and the two Brazilians and the respective Aides.

This being done the party separated, the second ascending the Uruguay up to the mouth of the Pequirí-guazú or Chapecó, and there, they equally determined all the accidents of the soil very carefully. By common accord the measurings were made with the diastimetricals of the Brazilian Commission and every Commissioner kept his note-book up to date duly compared, and authenticated with the respective signatures; in this manner the identity of their books was made sure.

The first party were only able to begin to ascend the Pepirí-guazú on the fourth of August, 1887, and at its mouth it was delayed on account of the work being done in the survey of that point, and because the Argentine surveyor had delayed the supplies which it was necessary to procure at the Colonia of the Upper Uruguay.

A little beyond half the way the supplies of the Brazilians ran short; a freshet of the river prevented the party from continuing their march, and delayed the ascent of the canoes with the help, as they had orders to bring if they received no news from the party by the end of August.

This party arrived well at its first destination, although with many disappointments, the Lieutenant Rego Barros, owing to sickness, being compelled to go back by the path which the Argentines had opened as far as San Pedro, in the same manner that the Commissioners Seelstrang and Cerqueira arrived at the source of the Pepirí-guazú.

In the ascent of the Pepirí-guazú this party found two tributaries of this river which also looked very large, for which reason the volume of their waters was measured; out of the western tributary ran eleven thousand litres, and out of the eastern nine thousand. The former came from the west and then from the southwest. It was ascertained, however, that farther up its course was from north to south.

A path was ordered to be opened by its bank, and afterwards its plan was drawn by the Adjutants between the bifurcation and its source, which lies on the same sierra that binds the source of the Pepirí-guazú with that of the San Antonio; with that source the said sierra bifurcates towards the east, forming a division of waters between the Iguazú and the Uruguay. At a short distance from the Pepirí-guazú, a tributary of the Uruguay starts running westward and flows into the Paraná.

On account of the third Brazilian Commissioner having arrived ill, he was accompanied in the descent of the San Antonio by the Brazilian apothecary, Captain Don Antonio Ribeiro de Aguiar; this, after having verified which was the principal source of that river. The party arrived at its mouth, descended the Iguazú and also the Paraná river as far as the Port of

Piray, where it arrived on the eighteenth of January, one thousand eight hundred and eighty-eight, finding the store of supplies which had been provided for previously by the chief of the Argentine Commission for the parties that might descend by the San Antonio and the Chopim or San Antonio-guazú, returning by San Pedro, Campiñas de Americo, Campo Eré, to Palmas, where it arrived on the thirty-first of January. The second party continued the ascent of the Chapecó or Pepirí-guazú as far as the first great waterfall, from which point it was very difficult to proceed in canoes owing to the great falls that obstruct it.

At this point the Brazilian party with their chief and the greater part of his personnel arrived suffering from fever, as well as the chief of the Argentine party; but fortunately the path which had been ordered to be opened commenced there, and it was of great usefulness, as it allowed to carry by the same the sick men to the first settlement, whither the physicians of both commissions were immediately sent, and as soon as it was possible they were taken to Palmas, where they were taken care of.

Meanwhile the Argentine party with Major Rhode continued the exploration and, although with some difficulties, ascended the river as far as the Colecturia.

As soon as the sick were established, the survey of the river was continued by the path, and it was seen that it agreed with the plan made by the Argentine Preliminary Commission and that drawn by the Surveyor having in charge the opening of the path. The same happened with the plan of the Chopim or San Antonio-guazú, drawn from the source to the crossing of the raft.

The verification of these plans and the passage from one source to the other was facilitated by the juncture of several points of the same plans, and by the numerous vertexes of the triangulation which were already finished, thus saving considerable time.

When this work was terminated, the Adjutants Rhode and Oliveira proceeded to determine the highest land, between the two principal sources of those two rivers. In the meantime the Commissioners joined the principal source of the Chapecó or Pepirí-guazú with that of the Jangada or San Antonio-guazú de Oyarvide, the two breaking forth very near.

The third party started from the Pass of the Raft, descending by the Chopim or San Antonio-guazú, a river entirely unknown, having to vanquish great difficulties, and, as on account of these they were delayed more than they had expected, they were able to establish a depot of provisions on the bank of the said river, with the help of the Director of the military colony of the Chopim, Captain Don Alberto Ferreira de Abreu getting some Indians Corvados to travel upwards by land to meet the party which was coming down, all well, without any notable accident, except the loss of a Brazilian soldier drowned below a waterfall.

In the colony referred to, they provided themselves with victuals, and continued the descent of that river as far as its mouth by the Iguazú, and descended by this, drawing its plan as far as the mouth of the San Francisco,

and continued towards the Paraná, and by this as far as the Port of Piray, where they replenished their stores, returning by San Pedro, Campiñas de Americo, and Campo Eré to Palmas.

The geodesic group had carried the triangulation as far as a line which ended at the east, by a source of the Pepirí-guazú, and beyond those of the Chopim by the north and south, comprising these two rivers, and by the west on the line of the pass of the Colecturia Vieja to the Sierra of La Factura, and from there to the proximities of the Pass of the Raft on the Chopim.

Buoys had already been placed on Sierra de Santa Ana on the old *terre-plain* of Campo Eré, the military colony of the Chopim, and some on the military colony of Xanxere, the Sierra of Gregorio, and the fields of Nonohay, in order to be able to include the Uruguay in the net of triangles, and also the mouth of the Chapecó or Pepirí-guazú, and above all the source of the San Antonio and Pepirí-guazú. This would also serve to mark the salient points of the intermediate land, and possibly permit knowing the direction of the Sierras which separate between them the affluence of the Uruguay and Iguazú.

These buoys were not, however, utilized by the geodesic group, as they could not be seen one from the other, and intermediate points were not chosen, as the work would thus result excessively long and expensive.

In view of the difficulties that this work would offer when extending into the thick woods at the west of the fields of Palmas, its long duration and the expenses arising therefrom, and besides, taking into account the stipulation of the conference at Nonohay, the first Argentine Commissioner stated the necessity of limiting the same, being satisfied with the work done on the open fields towards the east, as the interrupted polygon at the Colecturia Vieja and at the Pass of the Raft on the Chopim was already closed, and a sufficient number of points of reference had been left in the section surveyed only by the Brazilian Aides.

The first Brazilian Commissioner, taking these reasons into account, expressed a desire that at least the source of the San Antonio should be joined to one of the vertexes of the triangulation, which might be easy to be obtained with marks of heliotrope, proposing to the first Argentine Commissioner that the difference of longitude of the sources of the rivers at the West with the last point of the triangulation should be determined by means of light signals.

These signs however would require intermediate stations at the highest point of the central belt, which would consume some time.

But in the day when the geodesic group started to accomplish this work, the two Commissioners decided to suspend it for the time being, on account of the difficulties just mentioned.

All these buoyings were executed by the Brazilian soldiers of the escort for account of the Brazilian Commission. under the direction of Captain Don Joaquin Fernandez de Andrade y Silva, Commander of the said escort.

The two Commissions made, in the same manner, the paths of the

intermediate land between the Chapecó or Pequirí-Guazú, the Chopim or San Antonio Guazú and the transversals of the intermediate land between the San Antonio and Pepirí-Guazú, as also the paths of the Jangada or San Antonio Guazú de Oyarvide, and by the Brazilians only those of the Chapecó or Pepirí-Guazú.

As there existed already a plan of the highest land between the four rivers, previously made by an engineer of the Telegraph, it was rectified and the remaining part was completed by the first Argentine Adjutant Major Rhode together with the second Brazilian Adjutant the first Lieutenant Don Federico de Oliveira.

The Argentine Commissioners considering that the work was incomplete so long as the San Antonio Guazú de Oyarvide or Jangada was not explored, the principal source of which concurs at a short distance with that of the Pequirí-Guazú, they insisted in asking for the exploration of the said river as they considered it the true San Antonio Guazú determined in the instructions, and not the Chopim which by an error takes the place of the former in the treaty of September 28th 1885, as the latter was never known or explored by Oyarvide, nor is it ever mentioned in his memoir. The Brazilians agreed that the source of the river which was denominated San Antonio Guazú by Oyarvide was that of the river which in Brazil is known by the name of Jangada, but they supposed they could not assent to this exigency, as the treaty referred to makes no mention of that river, nor could they admit that the interpretation of Article III of the instructions accompanying the said treaty wherein it is recommended to the Commissioners to guide themselves by the work of Oyarvide, was to oblige the drawing of a plan of a river of which Oyarvide only mentions the source, the more so as that exploration demanded, as a necessary consequence, the exploration of the Iguazú from the mouth of the Chopim or San Antonio Guazú to that of the Jangada or San Antonio Guazú de Oyarvide.

Besides, they believed that they had fulfilled the provisions of the said article of the instructions with the joint survey of the source of the Jangada or San Antonio Guazú de Oyarvide. Owing to this, the Brazilian Commissioners did not admit further work in conjunction, without an express order from their Government, ordering only the survey of a few more kilometers; and the Argentines with their officers proceeded to the survey of a greater extension and of some tributaries.

This divergence was carried to the knowledge of their respective governments according to the form of article thirteenth of the instructions.

Both Governments, finding the exigency of the Argentine Commissioners reasonable, resolved later that the first Commissioners of both Commissions should accomplish the exploration of this river, the following being appointed for the purpose: the third Adjutant Lieutenant of the navy Don Vicente E. Montes on the part of the Argentines, and the Engineer Don Emilio Odebrecht on the part of Brazil, who finished their mission in November 1888.

Later, at the request of the Brazilian Government, the third Commissioner of the joint Commission again explored the source of the Jangada or

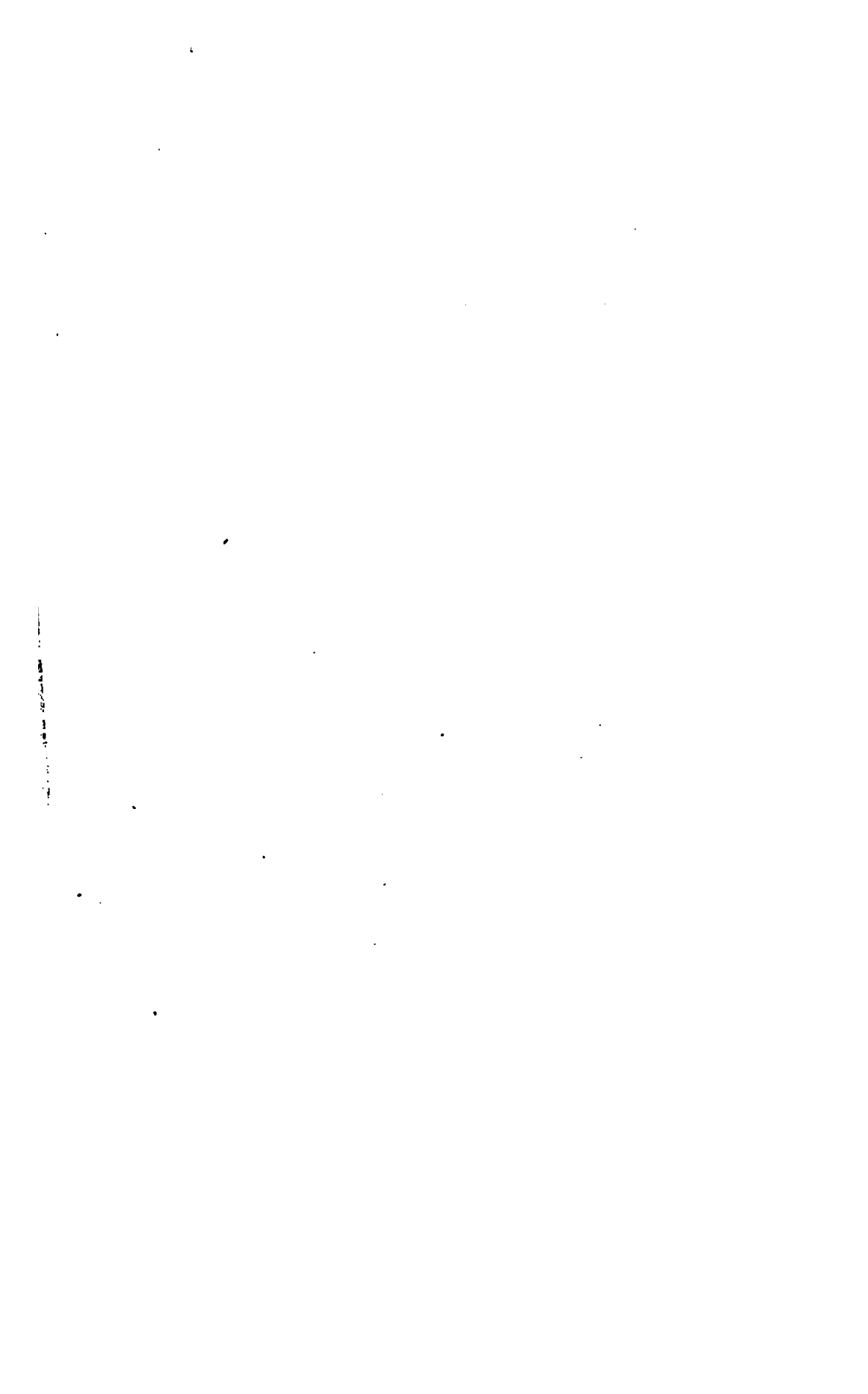
San Antonio Guazú de Oyarvide and that of the Pequiri-Guazú or Chapecó, with the intermediate land and their counter-springs, which work was finished the first part of January 1890.

Among the members of the Joint Commission the most perfect harmony always prevailed, resulting in the great rapidity with which the field work was finished, and they separated with the same mutual feeling, carrying with them the remembrance of their arduous work, of the dangers to which they were many times exposed, and of the privations they had to suffer.

Buenos Aires, September 24th 1891.

(Signed) JOSE IGNACIO GARMENDIA, First Commissioner.—(Signed) ARTURO SEELSTRANG, Second Commissioner.—(Signed) VALENTIN VIRASORO, Third Commissioner.—(Signed) BARAO DE CAPANEMA, Firts Commissioner.—(Signed) JOSE CANDIDO GUILLOBEL, Second Commissioner.—(Signed) DIONISIO E. DE CASTRO CERQUEIRA, Third Commissioner.





1891-1893

**Document concerning the reopening of the negotiations on the  
Treaty of 1890, after being rejected by the Brazilian  
Congress. (\*)**

Department of Foreign Relations.

BUENOS AYRES, DECEMBER 29TH, 1891.

(Private.)

Mr. Minister:—I send herewith a note wherein I advise Your Excellency of the initiative of Señor Cyro de Azevedo, Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil, in the sense of reaching a compromise in the matter of Misiones.

I place such antecedents within the knowledge of Your Excellency, in order that Your Excellency may know accurately what has occurred, availing yourself of the first opportunity to acquaint the Honorable Minister of Foreign Relations of that country, with the conversations that have taken place here. Your Excellency may add that the Argentine Government has no interest whatever in delaying the arbitrage, and that it anxiously wishes, as is expressed in the said note, to bring about a solution of the controversy recurring to the said resource as soon as possible.

At the conference which Your Excellency may have regarding the matter, with the Honorable Minister of Foreign Relations, you may read the

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(\*) These are translations from the documents referred to the original and copies of which, duly legalized, form part of the group D, No. 22, of manuscript documents of the "Argentine Evidence."

said note if you should consider it advisable, but without leaving him a copy.

I repeat to Your Excellency the assurances of my distinguished esteem,

(Signed) ESTANISLAO S. ZEBALLOS,

To His Excellency Don Agustin Arroyo, Envoy Plenipotentiary of the Argentine Republic in the United States of Brazil.

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Department of Foreign Relations.

BUENOS AYRES, DECEMBER 28TH, 1891.

Mr. Minister,—I deem it opportune to advise Your Excellency of certain facts alluded to in a previous and confidential note of mine.

During the term of office of Señor Dr. D. Eduardo Costa, the Honorable Minister of Brazil in this capital initiated an exchange of ideas touching a new and direct settlement of the Misiones question, declaring categorically that he did not act in instructions of his government, but in a spontaneous and personal manner, impelled by transcendental feeling in favor of the sincere confraternity of the two countries. He added that he would not communicate the case to his government except after the project should be considered feasible by the Argentine Government.

The Honorable Minister had occasion later, to speak of the same matter and in the same form with the President of the Republic, who declared to him that any other direct settlement appeared to him impossible, since the Argentine Republic would in no case effect one giving up a larger territory than that already conceded, from its legitimate sovereignty, by virtue of the compromise of Montevideo.

At the time when I took charge of this Department, and at the first ordinary call, the Honorable Minister of Brazil related to me those antecedents, and in the same character he asked me if I might be disposed to occupy myself with the case. I deferred his wishes courteously, assuming that the case was one of patriotic and personal initiative of His Excellency, and I promised to study it up in the same character and without informing my government,

I thought it judicious, at once, to manifest privately to His Excellency that I should not consider his idea feasible, except on previous bases, which Brazil should courteously accept for obvious reasons, after the rejection of the said treaty.

Those preliminary bases should be the following:

- 1st. The new negotiation must be initiated by Brazil,
- 2nd. The treaty giving form to the same would be first submitted to and approved by, the Congress of Brazil.
- 3rd. The area conceded by us in case of a new arrangement would not be greater than that conceded in the Zeballos-Bocayuba Treaty.

The first two bases amount to a deference which can not be resisted by Brazil after the rejection of the treaty, because it presents to their statesmen

an opportunity to demonstrate that the said action has not cooled their good will towards the Argentine Republic. The third basis is a natural one, and requires no commentaries.

These ideas being heard by Señor Cyro de Azevedo, we agreed to meet one day to confer, always privately, about the matter, and as this interview was delayed by the gravity and urgency of other affairs, His Excellency asked me if I had formed any ideas about the matter, whereupon I invited him to a conference.

This took place with the chart of Misiones before us. He proposed to me a line from North to South, which resulted impracticable, and I proposed another more feasible which might be discussed, after first establishing a preliminary agreement upon the bases which we should arrange in due time, in order to reach the direct settlement, or to hasten the arbitrage, which we in our part anxiously desire, and for which we shall prepare as soon as the Congress of 1892 shall meet and vote the necessary funds.

Your Excellency must remember that the documents upon which the Republic rests for its rights, are conclusive, and that the direct settlement was but the means of hastening the political and material solution, considering the limited extension of the territory in dispute.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my distinguished consideration.

(Signed) ESTANISLAO S. ZEBALLOS.

To His Excellency Don Agustin Arroyo, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic in the United States of Brazil.

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BUENOS AIRES, OCTOBER 4TH, 1893.

Mr. Minister :—Replying to Your Excellency's note of yesterday's date, in which you asked me to inform your Department, regarding the proposition of a direct settlement of the boundary question as made by the government of Brazil during my administration, I must manifest to Your Excellency that there was no official proposition. The Honorable Minister of Brazil, Doctor Cyro de Azevedo, when announcing to me that the treaty of a direct settlement made by Zeballos-Bocayuva had been rejected by the Congress of Brazil, manifested to me confidentially that the fundamental reasons for the rejection was that certain settlements of Brazilians remained, through that line, within Argentine territory, and that if we were disposed to alter that line in such a manner that after leaving to each country an extension of territory, equal to that of the former line, the said settlements remained in Brazilian territory, he should think that it would be easy to resume the negotiations and arrive at a direct settlement.

I manifested to him that in my opinion any modification of the line, after the rejection by the Brazilian Congress, would be refused by the Argentine Congress, and that we in our part had resolved to put into effect

the previous treaty of arbitration and to submit the question without further delay to the decision of the President of the United States; that he should kindly communicate this to his government and we would give instructions in this sense to our Minister in Rio; which was done.

These are all the antecedents regarding the matter which Your Excellency desires to know, and if there was no record kept in the archives of the Department regarding this conversation, it was due to its confidential character,

I salute the Honorable Minister with all consideration.

(Signed) C. PELLEGRINI.

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**Note of the Argentine Minister as to the Exposition of the Minister of Foreign Relations of Brazil, printed in 1882. (\*)**

PETROPOLIS, March 11th, 1892.

Honorable Minister:

I have the honor of sending to Your Excellency, under separate and certified cover, a package containing the « Apontamentos sobre os limites entre o Brazil e a República Argentina, » which is the book published in 1882 by the Baron de Cotegipe, and that Your Excellency requested me to send to your Ministry at the greatest possible brevity.

I must advise Your Excellency that of the said publication the author only printed sixty copies, which were distributed among his friends. The one I send Your Excellency has been obtained with much difficulty, and it would be useless to pretend acquiring others.

I again assure Your Excellency of my most distinguished consideration.  
AGUSTIN ARROYO.

To His Excellency, the Minister of Foreign Affairs of the Argentine Republic, Dr. Estanislao S. Zeballos.

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(\*) This is a translation from the document which is hand-written in the fly-leaf of the book above referred to.

**1890**

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**DEPARTMENT OF FOREIGN RELATIONS  
ARGENTINE REPUBLIC.**

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**LIMITS**

**between the Argentine and Brazilian  
Republics.**

**Abstract from the Report presented to the  
Congress of the Nation**

**by**

**ESTANISLAO S. ZEBALLOS,  
Minister of Foreign Relations.**



# BRAZIL.

## I

### The "Misiones" Question.

SUMMARY I. Records of this suit between Spain and Portugal.—II. Señor Paranhos' Mission in Rio de la Plata.—Paranhos' Negotiation.—Lopez and Derqui.—Treaty of Limits of 1857.—Erroneous Interpretations of this solution.—Inedited documents and records favorable to the Argentine Confederation.—Mission of Señor Don José Luis de la Peña to Rio de Janeiro.—Plan of alliance between the Confederation, Brazil and Uruguay, against Buenos Ayres.—III. Irigoyen Aguiar d'Andrada's Negotiation in 1876.—Baron de Cotegipe's policy, and the question of Misiones.—IV. Negotiations of Señor Dominguez at Rio de Janeiro.—V. Foundation of Military Colonies of Brazil on the disputed ground.—VI. The Government of Brazil hints at a direct settlement of the question.—Instructions to the Argentine Minister at Rio about compromise.—Subsequent negotiations.—VII. Attitude of the Argentine Government.—Reincorporation of the Territory of Misiones to the national sovereignty.—New government, its limits and capital.—Parliamentary Agitation in Brazil.—Proclamation of the necessity to prepare the Empire for war.—Speeches of the eminent statesmen Baron de Cotegipe, Saraiva and Silveyra Martins.—Accusations against the government.—Its declaration in the *Diario Oficial*.—VIII. The Minister of the Empire, in Buenos Ayres, proposes to open negotiations.—Acceptance of the Argentine Government.—Basis and Memorandum of Baron de Araujo Gondim, accepting the treaty sanctioned by the Congress of Paraná in 1857, and disproving the foundation of colonies upon contested grounds.—Erroneous citation of Moussy, Burmeister and Napp.—Argentine official declaration regarding maps.—Effective reply from the Argentine Minister.—Silence of the Imperial Diplomacy.—IX. Baron de Alencar presents in 1884, in the name of his government, a *Counter Memorandum*.—Its three cardinal points.—Its errors.—The demarcations of 1759 and 1778.—The map of the Courts.—New publication about the results of the last operation.—Note from Baron de Alencar.—Interpretation of the sanctions of the Congress of 1857 upon the subject.—The validity of the treaties between Spain and Portugal acknowledged by Brazil.—The latter's negotiations with Peru, Bolivia, Paraguay and Eastern State.—Antecedents of American Public Right.—Contradictions of the Brazilian policy in that respect.—Proclamation of the treaty of 1777, as a criterion.—The demarcation of last century before the nullity of the treaties.—The doctrine of the *uti possidetis*.—Its instability.



—Inapplicability to the Misiones question.—X. The Empire proposes a preliminary idea suggested in 1876 by Doctor Irigoyen, which was categorically rejected.—International exploration of the contested territory.—A fifth river in dispute.—Its necessary elimination.—Treaty of 1885.—XI. Doctor Quesada's mission to Rio de Janeiro.—Survey of the ground and particular insinuations.—The Brazilian Cabinet's basis for a direct compromise.—Perusal and red tape of the same.—The negotiations in Buenos Ayres.—Postponement of the same.—XII. Exploration of the disputed territory.—Results.—Reports and plans.—The Chopin and Oyarvide's San Antonio Guazú.—Rectification of error in the treaty of 1885.—Favorable results to the Argentine Republic.—XIII. Doctor Quesada's recall.—Señor Moreno's mission.—Reserved attitude of the Argentine Government.—Instructions to its new Minister not to open nor accept negotiations.—Plan to locate the question in Buenos Ayres.—Initiative of Brazilian diplomacy for a direct settlement.—Advanced ideas upon the subject.—Project of conference in Montevideo between the Ministers of Foreign Relations of both countries, initiated by Brazil.—Failure of the idea.—The Argentine Minister of Foreign Relations promises to go to Rio de Janeiro, to celebrate the direct settlement.—Combination of this scheme with arbitration.—Brazil proposes the choice between Chili and the United States as arbitrators.—The Argentine government asks that the negotiation be made in Buenos Ayres.—Commercial treaties between Brazil and the United States.—Treaty of the seventh day of September, one thousand eight hundred and eighty-nine.—Its significance.—XIV. Treaty of arbitration.—Impressions of the Emperor and of Brazilian statesmen.—Basis for a compromise projected by the Minister of Foreign Relations of Brazil.—Ministerial modification in Buenos Ayres.—General resolution of the government.—Political plan adopted.—Instructions to the Argentine minister at Rio de Janeiro.—He is called to Buenos Ayres.—Señor Diana's suggestion is not accepted.—Possible basis for a direct settlement.—Antecedents of this scheme at the Court of Rio.—Acts erroneously attributed to the Argentine government under the ministry of Doctor Quirno Costa.—Rebouças' scheme.—Emperor's opinion on the same.—Consultation of the State Council.—Opinions in favor of the direct settlement.—Viscount of Ouro Preto, Chief of the Cabinet, and the Secretary of Foreign Relations, Viscount of Cabo Frio, adhere to the transaction, as a means to avoid war.—XV. New rectifications.—Declarations attributed to the Argentine minister, Señor Moreno, against the rights of the Republic to the Misiones.—Impression caused by the fact at Rio de Janeiro.—Doctor Costa, Minister of Foreign Relations, asks Señor Moreno for explanations.—The imputation is categorically denied.—XVI. Proclamation of the Republic of the United States of Brazil.—Its recognition by the Argentine.—Instructions given to the Argentine minister at Rio.—Zeballos-Bocayuva's treaty.—The latter's trip to the Argentine Republic.—Discussion and rejection of the treaty.—XVIII. Doubts and interpretations about the situation in which the rejection left the question.—Argentine initiative to dispel them.—Arbitration.—Communication to the President of the United States.—Objects of this Exposition.—Argentine documents.

I

The treaty of Madrid, signed on the thirteenth day of January, seventeen hundred and fifty, by the ministers plenipotentiaries of Spain and Portugal, Don Jose de Carvajal y Lancaster and Viscount Don Tomas de la Silva Tellez, provides as follows :

IV Article.—The limits of the dominions of both monarchies shall begin at the bar which is formed on the sea-coast by the brook sprouting at the foot of the hill Castillos Grandes, from the brow of which the frontier shall continue seeking in right line the highest pitch or summits of the hills, whose water-falls run down on one side to the coast north of the said brook, or to the lake Merim or del Miru, and on the other side to the coast running from the said brook southward, or to Rio de la Plata, so that the heights of the hills may serve as a limit to the dominion of both crowns, and the frontier shall continue in this manner until the principal source and extremes of Rio Negro shall be found, and it shall so continue over them to the principal source of the river Ibicui, going down this river to the place where it flows into the Uruguay through its eastern shore, Portugal keeping all the water-falls which run down to the said lake, or to Rio Grande de San Pablo, and Spain those which run down to the rivers that join Rio de la Plata.

V Article.—It shall ascend from the mouth of the Ibicui, through the waters of the Uruguay until finding that of river *Pepiri* or *Pequiri* which flows into the Uruguay by its western shore, and shall run up through the waters of the Pepiri to its principle source, from which it shall go on through the highest ground to the principal end of the nearest river which flows into the Grande de Curitiba, also known by the name of Iguazú, through the waters of the said nearest river to the source of Pepiri, and then through those of the Iguazú or Rio Grande de Curitiba, the line shall continue to the place where the same Iguazú flows into the Paraná by its eastern shore, and from this mouth it shall go up the Paraná to the place where it is joined by the river Igurey on its western shore.

The instructions given to the demarcators charged with drawing the stipulated lines make the following description of the Rio Pequiri: "A large river with a woody island opposite its mouth, a large reef facing its bar, which is situated upstream from the mouth of the Uruguay Pitá, southern affluent of the Uruguay.

The document was drawn up consulting a geographical chart, upon which the ministers plenipotentiaries made the following remarks : \*

“ That, in fact, the said chart had been drawn by engineers, geographers and competent, well-informed persons of both nations ; that upon the strength of the said chart, the above-named ministers plenipotentiaries had kept on their conferences ; *that after it had been thoroughly gone over and compared by both, the said chart was approved of common accord, and adopted by the said ministers plenipotentiaries as a GUIDE and BASIS to the said treaty on limits, the conclusion of which was their object ;* that the said chart was legalized and perpetuated by the two ministers plenipotentiaries above named, with notations upon its margins in Portuguese and Spanish, written by the two respective secretaries, the said notations being signed by the same ministers plenipotentiaries and stamped with the seals of their coat-of-arms, to the eternal memory of the authenticity of the said chart, to be kept on file in the archives of the two contracting monarchs ; that finally among the papers of the Department of State in Lisbon, through which the foreign affairs had been transacted, two of the duplicates should be found, and the other two, which had been given in exchange, must be found in the respective Department of State at the Court of Madrid.”

The demarcators of this section of the frontier deviated somewhat from their instructions, and in 1759, they surveyed a river situated *down the stream from Uruguay Pitá*, which they named *Pepiri*. This was not the river of the treaty described and sketched on that map, because it flowed on the *lower part, and not on the upper part* from the Uruguay Pitá. The complete investigations which we now possess about this region show, on the other hand, that this river does not agree with the name *Pepiri* or *Pequiri* by which it is known on the treaty.† It might have been called *Pepiri Mini* (small), because its course is short and its waters are not plentiful, whereas the *Pequiri* (guazú) required by the treaty and its map, is a river of large and bulky course, situated further east, and whose features correspond with the signs given by the royal instructions in reference thereto.

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\* The accompanied map, for the full comprehension of this exposition, is a copy of the plans signed by the Argentine and Brazilian Commissioners who surveyed this territory in compliance with the preliminary treaty of 1885. The line was drawn upon it according to the charts of the Courts to which the preceding statement alludes. The rivers bear the names proposed by Brigadier Alvear, to avoid confusion.

† It will be well to say that in the first times of this debate, the looked-for river was called indistinctly *Pepiri* or *Pequiri*, as is seen in V Article of the treaty.

The cancellation of the treaty of 1750, agreed upon in 1761 by the Courts of Spain and Portugal, expressly obliterated the errors committed by the commissioners.

Señor Paranhos in a memorial, to which I shall refer hereafter, has said what follows :

“ Well or badly marked out the line of the Pepiri and the Iguazú, *they accepted it* just as it had been marked out.”

It is necessary to place this affirmation on record, the truthfulness of which would be decisive, remembering I Article of the treaty agreed upon by the Courts at the Pardo on the twelfth day of February, one thousand seven hundred and sixty-one.

I Article.—The aforesaid treaty on Limits of Asia and America between the two crowns, signed at Madrid on the thirteenth day of January, one thousand seven hundred and fifty, with all other treaties and conventions that, in consequence thereof, were negotiated to prepare the instructions of the respective commissioners who have so far been employed in the demarcation of the said limits, and everything that has been agreed upon by virtue thereof, are *given, and remain, on the strength of this present article, for cancelled, repealed and annulled, as if they never had existed or been executed*, and everything pertaining to the limits of America and Asia are restored to the terms of the treaties, agreements and conventions which had been celebrated between the two contracting crowns, prior to the said year 1750 ; so that only these treaties, agreements and conventions celebrated prior to the year 1750 shall be in force and vigor henceforth.

The treaty of 1777 did not alter the line of limits agreed upon in 1750 ; on the contrary, it made it more distinct to avoid the doubts occasioned by the error made by the demarcators in 1759 ; and the new demarcators, Varela by His Catholic Majesty, and Veiga Cabral by His Most Faithful Majesty, demonstrated that the river surveyed in 1759 was not the *Pepiri Guazú* described in the treaty ; and looking for the same in the upper part from the *Uruguay Pittá*, they discovered, six leagues from the mouth of the latter, a river *in which all the circumstances indicated in the instructions concurred*. Let the text of the treaty of 1750 be compared with that of 1777, and it will be noticed at once that the former fixes the limit on the East, at Misiones, the river *Pequiri* or *Pepiri* ; and as this vague denomination produced the confusion on the part of the commissioners in 1759, the second treaty determined the river, qualifying it by its prime accident of being *a large river*, and not a small stream or a brook.

The treaty of 1777 thus disposes of the matter in a definite manner, by removing the limit to the system of *large rivers* or eastern *above* the Uruguay Pitá.

Articles in connection with the preceding remark in the said treaties :

1750.

V Article.—It shall ascend from the mouth of the Ibicui through the waters of the Uruguay until finding that of the river Pepiri or Pequiri which flows into the Uruguay by its western shore *and shall run up through the waters of the Pepiri*, to its principal source, from which it shall go on through the highest ground to the principal and of the nearest river which flows into the Grande de Curitiba, also known by the name of Iguazú, through the water of the said nearest river to the source of the Pepiri.

1777.

VIII Article.—The possessions of both crowns up to the entrance of the river *Pequiri* or *Pepiri Guazú* in the Uruguay having been marked out, the high contracting parties have agreed that the boundary line shall *follow the upper part of said Pepiri Guazú*, to its principal source, and thence through the highest ground, under the rules contained in VI Article, in search of the course of the river San Antonio . . . etc.

The fortunate interpretation given on the spot to the treaty of 1777, by Varela and Veiga Cabral, called the attention of the surveyors very strikingly, and their chiefs agreed upon making a new and extensive survey. In fact, the source of the true *Pequiri Guazú* was surveyed by Oyarvide and his companion, the Portuguese commissioner, in June of 1791. Oyarvide demonstrated, besides, that the counterfall or source of the San Antonio Guazú fitted the *Pequiri Guazú* in the terms and signs of the treaty, map and instructions of the Courts.

The Portuguese commissioners refused to accept the results, and to proceed in the demarcation in which their claims were defeated. The operations being postponed, pending the resolution of the Courts about the dissidence, and the Spanish demarcating parties being turned away from the frontier, the idea came up to neutralize the territory comprised between the eastern and western rivers in question. The illustrious sage, Don Felix de Azara, in his *Memoirs* on the Rio de la Plata in 1801, published at Madrid, says :

“The abstract of the demarcation of limits suggests, to end this dispute, the middle term that the space between the two rivers Uruguay-pitas, that of the two *Pequiris* or *Pepiris Guazú* and that of the two San Antonio, shall remain neutral ; that is, that the Portuguese possession shall end at the line whither the Spanish commissioners pretend that the line of both nations shall go, without neutral intermediary ; and that the Spanish possession shall cease where the Portuguese wish that of both dominions shall terminate. But our justice

is so evident, that I judge that we must not yield, though I comprehend that the grounds in question are by far not worth the appreciation of those connected with the former disputes, and still less the one between the two rivers San Antonio."

Things passed over to the present century in the same situation of the treaty of 1777.

The war of 1801 between Spain and Portugal having been ended by the treaty of Badajoz, the Portuguese claimed that the silence of this treaty granted them the territory they had occupied in the eastern Misiones; but the argument was declared ineffectual, and the compact of peace and guarantee signed between the two crowns in 1778, provided in III Article, that the treaty on limits was mutually inveterable.

The said treaty governed the question up to 1857, when Brazil opened negotiations with the Argentine Republic, to decide upon the inherited suit.

## II

The Argentine Republic was at the time divided into two fields, owing to the separation of the State of Buenos Ayres. The National government, at the head of the Provinces of the Confederation, had its seat in the city of Paraná, and the foreign nations had accredited their representatives to it.

The counsellor José Maria da Silva Paranhos, Envoy Extraordinary and Minister Plenipotentiary of Brazil, near the government of Paraná, presented a *Memoir*, dated on the thirtieth day of November, one thousand eight hundred and fifty-seven, promoting the settlement of the question of Misiones. This Memoir contains a superficial exposition on the antecedents of the long diplomatic debate held between the Metropolies, presenting them in a manner favorable to Brazil. Señor Paranhos said to the Government of the Confederation, that His Majesty the Emperor lacked a written right to sustain his territorial claims on the neighboring States, and that he had been and always would be reluctant to clear up these questions by other means but those of friendliness and persuasion.

He was opposed to the precedents set forth in the treaties and instructions of the Courts, because the statement that the Pepiri or Pequiri Guazú had its mouth above the Uruguay Pitá, was contrary to his claims. Señor Paranhos went on in his unfounded argument so far as to deny the authority of the Courts' map, adopted by expressed declaration, on file; but this feature of the Memoir is opportune only to demonstrate the wrong derived from the lack of a written right favorable to the idea of the territorial expression in view. It says, in fact:

"If the map of the Courts showed the Pepiri as *waters above from Uruguay Pitá*, other printed maps, and some manuscripts of the Indians in the times when they navigated those places, placed otherwise the same river."

The other maps and manuscripts of the Indians were, however, ignored by the Courts in the protocol copied in the foregoing article, and they did honor to the official surveyors and geographers rather than to the heathens, at the probable suggestion of Portuguese priests.

Señor Paranhos initiated the solution in an untimely moment. The Republic being divided by an unfortunate civil war, public sentiment lacked the necessary repose and homogeneity to pass upon grave matters of sovereignty. The government of the Confederation had, however, committed the error to suppose that this was a favorable opportunity to insist upon its expectation to mix up Brazil in the internal contentions of Rio de la Plata and of Paraguay, and appointed its Minister of Foreign Affairs, Don Bernabé López, and the Minister of the Interior, Don Santiago Derqui to negotiate with the shrewd diplomatist of the Empire. The Memoir of Señor Paranhos was not contested, and fourteen days later—that is, on the fourteenth day of December, one thousand eight hundred and fifty-seven, the treaty on limits was formulated with these resolutions :

I Article.—Both high contracting parties, being in accord about fixing their respective limits, agree to declare and recognize, as the frontier of the Argentine Confederation and of Brazil, between the rivers Uruguay and Paraná, that which is hereinafter designated.

The territory of the Argentine Confederation is divided from the Empire of Brazil by the river Uruguay, all the right or western border to belong to the Confederation, and the left, or eastern border, to Brazil, from the mouth of the affluent Cuarahim to the mouth of the Pepiri Guazú, where the Brazilian possessions occupy both borders of the Uruguay.

Follows the boundary line through the waters of the Pepiri Guazú to its principal source ; from whence it continues through the highest ground, to find the principal end of the San Antonio, as far as its entrance into the Iguazú or Rio Grande de Curitiba, and through the latter as far as its confluence with the Parana.

The grounds which the rivers Pepiri Guazú, San Antonio and Iguazú separate towards the eastern side, belong to Brazil, and towards the western side to the Argentine Confederation ; the waters of the two former rivers above mentioned throughout their course being common property of both nations, and the waters of the Iguazú only from the confluence of the San Antonio, as far as the Paraná.

II Article.—Both high contracting parties declare, to avoid any doubt, though the designations of I Article are well known, that the rivers Pepiri Guazú and San Antonio

spoken of in the said Article, are those which were surveyed (in 1759) by the demarcators of the treaty of the thirteenth day of January one thousand seven hundred and fifty, celebrated between Portugal and Spain.

This treaty caused a deep, unfavorable impression in Paraná. Influential men, members of Congress, pronounced against it, and resistance led its way as far as to promote parliamentary opposition, and of the Press.

The debate began in June, 1858. The Commission of Legislation and Constitutional affairs of the Senate was issued on the 8th, counselling approbation. On the 28th the matter was brought up for discussion, and Doctor Don Vicente Saravia, Senator from Salta, refuted the general declaration of the river Uruguay as the division of the two sovereignties. The minutes read:

“Señor Saravia asked the Minister to state if there had not been a special motive for not mentioning in this treaty an extensive territory which might, very properly, be considered Argentine, because it had belonged to Spain. That he referred to the one known as ‘Misiones del Uruguay,’ which not having been assigned to the Eastern Republic of Uruguay when its independence was stipulated by the treaty of the year 28, it should have been comprised as an integral part of the Argentine Republic, because it had belonged to the Viceroyship of Buenos Ayres, whose limits were not the river Uruguay.”

The Minister of Foreign Affairs, Señor López, replied evasively, alluding, however, to the fact that after the war of 1801, between the Courts of Spain and Portugal, the latter usurped the territory of the Eastern Misiones without right, and without the former's consent.

Señor Saravia recalled the fact that the Crown of Portugal had never been in possession of the whole or a part of the Misiones, all of them having belonged to Spain, which organized the same in a Province, placing them under the political jurisdiction of Buenos Ayres; adding that,

“The said territory had neither belonged to the Province of Montevideo, because the Eastern Misiones formed, with those on this side and those of the Paraguay, a special Province and Government. That, therefore, Brazil having no more right to this territory than the possession, which was not very remote, he thought that a middle term should have been taken, and since a complete renunciation had been made of the right of the Confederation to the Misiones, an indemnification should have been demanded and obtained, also in lands, and towards the north.”



The general Don Pedro Ferré, Senator for the province of Corrientes, dwelt upon the preceding remarks, alluding to the last royal disposition of Spain with regard to the Misiones.

Dr. Don Martin Zapata, Senator from the province of Mendoza, said:

“ That he was not acquainted with the explanations made by the Minister of Foreign Affairs within the bosom of the committee, to which the said committee made reference in its report, and consequently, he did not know upon what data, upon what practical knowledge, and upon what preliminary studies the celebration of this treaty had been proceeded with. That if those data did not exist and, as he believed, those studies had not been made; and that, if it was established by the protocol of the conferences that the former treaties between Spain and Portugal (which were the only documents to serve as a starting point) were worthless, it was necessary to make other studies and practical surveys, in order to avoid to be obliged, for want of them, to give up a large portion of the Argentine territory as was yielded, according to his judgment by virtue of this treaty, not including what the eastern side had already lost, because, according to those treaties, the lake Merim was a common property for Spain and Portugal; but that this was a question not connected with the case, that being a Sovereign State, and it was incumbent upon the same to discuss the matter; but that as far as the eastern Misiones, which never had belonged to it, were concerned, it was for the Confederation to claim its rights upon the same, rights very well justified by the same Spanish language which they spoke, and for having belonged to a Spanish administration, the *uti possidetis* not being a title to suppose Brazil with an indisputable right upon the same; that he saw that the Argentine plenipotentiaries, with good judgment, had saved that principle which the Brazilian plenipotentiary wished to establish with regard to the islands of the Uruguay; but at the same time he was sorry to see that while that right had been saved in reference to the depopulated islands, the same principle had not been recognized with regard to the valuable territory of Misiones which, for thousands of reasons, ought to belong to the Confederation. That it was not only there where territory was given up, but also on the north, on the coast of Paraná. That Paraguay would undoubtedly hold its rights as far as the Salto del Guayra on the coast of that river that belonged to it; and that, consequently, all the extensive territory that would now be lost by the designation of the northern limits,

would belong on this side, to the Confederation. That for all these considerations he felt sorry the celebration of this treaty had not been preceded by serious studies and labors that would have saved the rights of the Confederation upon the valuable and rich territories now yielded without any kind of compensation; and the Senator closed expressing his fear that there was some haste in sanctioning the treaty, believing it more prudent to postpone this matter."

The opinion of the Senate caused a deep reaction, to the extent of demoralizing the Committee which upheld the treaty; and one of its members, Senator Bustamante, from Jujuy, moved to substitute II Article of the Commission by the following one, which frustrated the easy victory of the Brazilian negotiator:

"II Article.—It is understood that the rivers Pepiri Guazú and San Antonio, which are designed as limits in I Article of the Treaty, *are those situated further east*, with these names, according to the operation referred to in II Article of the same."

The Senate approved, by thirteen votes against two, this fundamental amendment; and its action carried the disapprobation of the treaty of the Executive Power. The two dissenting votes were radical; they rejected it absolutely.

Though the debate took place in secret sessions, it leaked out rapidly. The opposition had been consulted and conducted skillfully. The orators designated to hold it represented the groups of Senators from the different horizons of the Republic. Doctor Don Martin Zapata, for Cuyo; Doctor Don Vicente Saravia, for the North; General Don Pedro Ferré, for the Littoral, bordering Brazil. In Buenos Ayres the opposition to the compact was vigorous. Señor Don Nicolas A. Calvo handled the matter very effectively in his journal.

In all the provinces the Press pronounced itself in the same sense. Cordoba was the centre of the strong resistance. *El Imparcial*, a journal which had attained national notoriety, and whose opinions were warmly commented on in *Purandá*, published a series of articles, holding that the Republic yielded to Brazil four thousand five hundred leagues of land. *El Nacional Argentino*, official organ of the Government of the Confederation, affirmed that these articles were written or authorized by the Minister of the Government of Cordoba, and by the proprietor of *El Imparcial*, Doctor Don Luis Cáceres, one of the most distinguished capabilities, after Doctor Velez Sarsfield.

On the other hand, in the parliamentary circles of the Paraná, the lack of preparation of the Argentine negotiators caused much comment, and Doctor

Derqui refused to take part in the debate which revealed the said lack of preparation, and the Minister of Foreign Relations barely said a few brief insignificant words.

The government hesitated to carry its treaty to the House of Representatives after the unanimous negative vote of the Senate and the emphatic and ardent rejection of the national opinion.

In September, the House of Representatives endorsed, deliberately, the relieving action of the Senate and sanctioned the modification of II Article.

The government of the Paraná persisted in the double political error which gave rise to these negotiations, universally condemned, and while Señor Paranhos awaited impatiently the expiration of the term to ask for the interchange of the ratifications of the treaty, the government worked hard with a view to drag the Empire into the civil contest of the Plata.

In fact, on the third day of May, one thousand eight hundred and fifty-eight, the government of the Confederation, which was already in accord with the government of the Republica Oriental of Uruguay, appointed Don José Luis de la Peña Envoy Extraordinary and Minister Plenipotentiary on a special mission near the government of Rio de Janeiro.

Among the transcendent objects of this special mission, it was noted in the respective instructions to procure an alliance between the Empire and the Eastern Republic of Uruguay and the Confederation, to induce the province of Buenos Ayres to join the said alliance. But Brazil, at its turn, avoided this grave and ill-advised initiation with a clear perception of the political convenience of the Empire and of the Rio de la Plata, and the unfortunate mission of Doctor Peña had no result.

The antecedents of the treaty of 1857 brought to light for the first time (for unjustified reservations having caused publications to be made in Brazil, which were incomplete and void of historical truth), show, that the said compact, far from receiving the open approbation of the Congress of the Paraná, as Brazilian writers have repeatedly asserted during thirty-four years, suffered a substantial modification.

The argument of the moral precedent which implies the attitude of the executive power of the Confederation might be adduced; but it would not help move the pretensions of Brazil, when, as I will demonstrate it further on, if there was error in admitting the form of the treaty initiated by Señor Paranhos, that error was redeemed, for General Urquiza and his cabinet repealed and left without effect that unadvised work, when they promulgated the law with the reform sanctioned by Congress.

An illustrious Brazilian diplomatist, Enrique C. R. Lisboa, has lately published a study on the "Question of Misiones before the Court of Arbitration," and treating in a masterly manner the point relative to the treaty of 1857, says

Some defenders of Brazil in that question pretend to strengthen our right, attributing to the treaty of the four-

teenth day of December, one thousand eight hundred and fifty-seven, and to the *memorandums and protocols* accompanying it, moral value,—to demonstrate the acknowledgment by the Argentine Republic of our occupation and possession of the territory in dispute, and of the solemn acceptance by that republic of the just application of the *uti possidetis*, in our favor. No matter how advantageous that interpretation may be to us, a sense of justice and impartiality, which must preside over our discussions, does not admit of its acceptance. It is at this very moment a risky recourse. The ratifications of the treaty of 1857 were, as a matter of fact, never interchanged, and, therefore, such treaty never existed as an international contract. The most that can be made out of its negotiation, and of those memorable protocols, is that the Argentine negotiators admitted our *claim*.

*That personal opinion, however, does not bind the Argentine nation in any way, because it did not accept it officially, neither can a single presumption constitute a right, much less a solemn acknowledgment of our dominion by that republic.*

The article thus added through the indication of the Chamber of Senators has, in fact, two well-defined parts—the first essentially, and the second in form. The first one says :

II Article.—It is understood that the rivers Pepiri Guazú and San Antonio designated as limits in I Article of the treaty, ARE THOSE SITUATED FURTHER EAST, WITH THESE NAMES.

The question of Misiones consists, as has been seen, in that Brazil claims as limit the river that enters into the Uruguay *below* the Uruguay Pitá, seeking the falls of the opposite river flowing into the Iguazú ; whereas, the Argentine Republic, a legitimate heiress of the Crown of Spain, holds that which the treaties between the latter and Portugal give to it ; and the said treaties provide that the limit shall run through the system of rivers situated *above* the Uruguay Pitá. The former are the *western rivers*, and the latter the *eastern rivers*.

The Paranhos-López and Derqui treaty pointed out plainly the *western rivers*. The Congress of the Confederation substituted the article for the one just read, adopting *eastern rivers*. Can it be affirmed that this acknowledges Brazil's claims ?

The Argentine Republic, on the contrary, will always invoke, with success, the note of the illustrious negotiator, Paranhos, demanding the ratification of

the compact thus modified, as a frank admission of the amendment, and consequently of the system of *eastern rivers* or Pequiri Guazú and San Antonio Guazú, of Oyarvide, named arbitrarily *Chapecó* and *Jangada* by the modern Brazilian surveyors.

The second and last part of the II Article could not be invoked in an unauthorized sense. It reads :

According to the operation referred to in II Article of the same.

The operation alluded to is the demarcation of 1759, which really evinced the existence of both systems of rivers, the eastern and the western. If one of these systems is adopted, the other is excluded.

While that modification was being discussed, the time fixed for the ratifications expired, and on the tenth day of September, one thousand eight hundred and fifty-eight, the Brazilian plenipotentiary received a note from the Minister of Foreign Relations, proposing an extension of six months, pending the results of the Peña's mission. It said :

The term of eight months assigned for the interchange of the ratifications of the treaties on limits and extradition, celebrated on the fourteenth day of December, one thousand eight hundred and fifty-seven, between the plenipotentiaries of the Confederation and of the Empire having expired on the fourteenth of September last ; the Honorable Legislative Chambers suspended the consideration of such treaties, although the treaty on limits passed from the Senate to the House of Representatives.

On the twenty-ninth day of March of the following year, and the compact being already sanctioned by both Houses, Plenipotentiary Señor Paranhos notified that he had authority from his government to stipulate the extension of six months.

On the fourteenth day of June, one thousand eight hundred and fifty-nine, the Minister of Foreign Relations being called upon by Señor Paranhos to make the interchange of the ratifications, the Government showed opposition to the original negotiation, thus disclosing to view the intrigue of internal policy that had counselled it.

The President of the Confederation had left for San José, Doctor Don Salvador Maria del Carril discharged the functions of the Executive Power, and Señor Don Bernabé López left the Portfolio of Foreign Relations in the hands of Doctor Don Elias de Bedoya, who proposed to correct the lamentable errors committed.

In a well-known note of that date, Señor Bedoya said to the Brazilian negotiator :

“Under date of the twenty-ninth day of March last, I had the honor to receive your very esteemed note of the third day of March, informing me that you were authorized by the Government of His Majesty to stipulate the extension of six months to which your Legislature was invited by this Ministry in note of the tenth day of September last.

“His Excellency the Vice-President, being appraised of the said note, has ordered me to say to you, that in the interest that the ratification of the pending treaties on extradition and limits shall have the favorable result so earnestly desired by the Government of the Confederation, he deems it convenient not to open, for the present, a new negotiation for the unavoidable extension of the time in which that act shall take place, deferring it until the conclusion of the question with Buenos Ayres.

“Your Excellency knowing the loyalty of my Government, and its friendly feelings toward the Government of His Majesty, the Emperor of Brazil, and knowing furthermore, the excitement produced in the whole country by the sanction of those treaties, will do it justice in the appreciation of the noble spirit which this resolution implies, and the reasons of prudence which counsel the same.”

“Your Excellency will not fail to notice that in the present excitement of the personnel of the Houses, and public opinion being stirred by the comments of the Press against those treaties, its immediate ratification would be very inconvenient. This unfavorable result, which the Government desires to prevent, will appear to your Excellency all the more probable, *if he remembers the serious opposition which the Government met in the Houses, although the discussion was held under the impressions that the sanction of those treaties carried the implicit condition that the Government of His Imperial Majesty would lend to the Government of the Confederation its moral and material co-operation to obtain the re-incorporation of Buenos Ayres into the bosom of the Nation.*”

Counsellor Paranhós replied on the first day of August deploring, in the name of the Imperial Government, the idea of the extension of time, and demanded in unequivocal terms, the interchange of the ratifications of the treaty, *sanctioned by Congress.* He said: “That the treaties on limits and extradition were negotiated and accepted without other conditions, and with no other object but the one expressed in them,” and he added:

*“Approved as those agreements are by the Government and by the Congress of the Confederation, what else do they need to have full effect? Only the exchange of the respective ratifications. The term fixed for this formality expired, and this is the obstacle that confronts the Argentine Government for the conclusion of so necessary and solemn agreements.*

*“The undersigned, in the name of his Government, requests the Government of the Confederation that it will deign to reconsider the said deliberation. ....*

*“Therefore, the Imperial Government, trusting upon the enlightenment and friendship of the Argentine Government, begs that the resolution, announced by the note of the fourteenth day of July, shall not take effect.”*

Counsellor Paranhos and the Imperial Government explicitly accepted the treaty sanctioned by Congress, which adopted as international limit the system of *eastern rivers* or Oyarvide's; and if the Government of the Confederation committed an error, it was in not exchanging the ratifications, hesitating to drag the Empire into a military revolt against Buenos Ayres.

Señor Paranhos wished by all means to put an end to the questions with high foresighted political views just when Brazil was engaged in conflicts with Paraguay, and in the demarcation of limits with the eastern State of Uruguay. The eminent statesman asked and took advantage of the effectual concurrence of the Government of Paraná, especially the Paraguayan question; and in his notable speech upon the same, delivered in the Brazilian Parliament, on the fourth day of August, one thousand eight hundred and fifty-eight, he said:

*“Sir, I cannot take my seat without giving from this place a vote of obligation, in the name of my country, for the frank and friendly co-operation which the government of the Argentine Confederation lent to us for the friendly and honorable solution of our differences with the Republic of Paraguay (Seconded, very well). That concurrence was offered us with the best intentions, and it was very effective, so that our just claims should be heard without distrust or prejudice.*

*“The Government of the Confederation, besides the said concurrence lent to us, negotiated two important treaties with the Empire: The treaty on limits, which recognizes and appoints the frontier of the Province of the Paraná with the Province of Corrientes, and the treaty on extradition of criminals and surrender of runaway slaves, a need highly called for by the Province of San Pedro de Rio Grande do Sul.*

*“Señor Bello: Seconded.*

“Señor Paranhos: Treaties without which the friendly relations between both countries could not be considered as solidly established (*very good*).

“I, therefore, feel obliged in the name of my country, for the concourse received and the friendly dispositions which I met in the Government of the Argentine Confederation (*very good*).”

These words explain Brazil's interest in settling the difficulties with the Argentine Republic, and this fact, together with the lack of value of the territory comprised between the two systems of river, would perhaps influence the mind of Señor Paranhos and his government, to accept the ratification of the treaty modified by Congress, which cleared up the political horizon and spared Brazil the dangers of an Argentine-Uruguayan-Paraguayan coalition.

To this result, apparently inexplicable for the claims of some Brazilian writers, concurred other political causes more transcendent than the intrinsic and strategic importance of the small deserted territory in dispute.

Señor Paranhos had a capital interest in compelling the Argentine Republic to surrender the runaway slaves. The southern provinces of Brazil demanded this measure as a transcendent and peremptory act. The treaty on extradition was celebrated, together with the one on limits. But if this had caused strong resistances, the other one was also rejected for being in contradiction with the constitutional principles and text of our political system, and Señor Paranhos, who saw danger threatening the two results obtained by him, and Brazil being isolated in its questions of Paraguay and the eastern States, had to make able concessions to save the said results.

This attitude, not well known yet by Brazilian diplomacy in 1858 and 1859, has been accepted by another of the most notable diplomatists of the Empire, who treated the question at Buenos Ayres in 1876. Señor Baron Aguiar d'Andrada, in a letter published at Lisbon the nineteenth day of September, one thousand eight hundred and eighty-two, refuting an article of the Argentine minister in Italy, Dr. Del Viso, upon the question of Misiones, published in *La Revista Sud-Americana* of Paris, said:

“Later on, in the year 1876, I had the honor to be charged with the negotiations to resolve said questions. I proposed in the first place, as a basis of the demarcation of the respective frontiers, the provisions of the treaty of Paraná of 1857, not pretending, as Señor Viso avers, *but assuring a fact evinced in the official documents of both countries, that this treaty was signed by the Argentine plenipotentiary AND APPROVED BY CONGRESS*, and that the lack of ratification, by the reason already explained, did not alter the existence of this compact.”

Various Brazilian statesmen having become alarmed, owing to the decisive importance of these antecedents against their pretensions, doubted the existence of the text of the treaty, sanctioned by the Congress of the Confederation.



Counsellor J. M. N. Azambuja, in a book published by him in 1891, at Rio de Janeiro under the title *Questao Territorial com a Republica Argentina* says on page 50:

“It is fair to doubt the authenticity of such a document which, on the other hand, is contradictory, because, if the designated rivers are those situated *further East*, with the names of Pequiri Guazú and San Antonio Guazú, according to the operations referred to in II Article of the treaty; and if this article refers to the operations made by virtue of the treaty of the thirteenth day of January, one thousand seven hundred and fifty, in which operations no other eastern rivers were demarcated nor surveyed, the sense of the proposed amendment is not comprehended. For twenty-four years nobody knew of such documents.”

I have explained that II Article of the Congress is clear and uncontradictory. I must now raise the suspicion with regard to the document, which only proves that the Brazilian chancery has kept the state secret of its attitude in 1858 and 1859 which was not favorable. In the Argentine Republic the following document was published in 1858, in the shape of approbative law, by order of the Constitution.

*The Senate and House of Representatives, etc.*

I Article.—The stipulations contained in the five articles of the treaty on limits, between the National Executive Power, and His Majesty the Emperor of Brazil through their respective plenipotentiaries, in the Capital, on the fourteenth day of December, one thousand eight hundred and fifty-seven, are hereby approved.

II Article.—It is understood that the rivers Pepiri Guazú and San Antonio, which are designated as limits in I Article of the treaty, are those situated further east with these names according to the operation referred to in II Article of the same.

III Article.—Inform the Executive Power, Sessions Hall of the Congress of Paraná, provisional capital of the Argentine Nation, the twenty-fourth day of September, one thousand eight hundred and fifty-eight.

PASCUAL ESCHAGUE.

*Carlos M. Saravia,*  
Secretary.

MATEO LUQUE.

*Benjamin de Igarzábal,*  
Secretary.

Department of Foreign Relations.

PARANÁ, September 26, 1858.

Let it be taken for law, and have it published.

URQUIZA.

BERNABÉ LÓPEZ.

The negotiation, upon which I have dwelt, illustrating the same with abundant matters, not yet exhausted, from the archives of Congress and of the Department, was left in suspense, and the time has arrived to disavow the acts erroneously attributed to the Executive Power and to the Congress against the national sovereignty.

### III

The distinguished diplomatist Baron Aguiar d'Andrada was accredited near the government of the Republica Oriental in 1876, and received the commission to go to Buenos Ayres on a special mission. He presented his credentials in January, and upon his return to Montevideo, he wrote, on March 4, a letter to the Sub-Secretary of the Department of Foreign Relations. He said :

“ I am exceedingly glad to hear that His Excellency Dr. Irigoyen has studied the subject of limits. I would like to know his opinions about the matter. If His Excellency accepts the limits drawn in the old treaty of the fourteenth day of December, one thousand eight hundred and fifty-seven, there is no question, because I am authorized to negotiate the new treaty upon this basis. If, however, Dr. Irigoyen proposes any modification, I shall have to submit the same to the approbation of my government. My opinion is that there can be no question on those limits which have been sufficiently discussed by the two governments of Portugal and Spain. Nevertheless, in order not to lose more time, I would thank you very much to state to Dr. Irigoyen my desire of knowing the opinions of His Excellency upon the subject.”\*

The Sub-Secretary replied that Dr. Irigoyen did not think it necessary that Baron Aguiar d'Andrada should ask for new powers, because the modifications which in any event he would propose to the treaty of 1857, were not of any particular moment, and that in the hope of seeing him soon in Buenos Ayres, he reserved to discuss the settlement with His Excellency.

The Imperial diplomatist addressed himself then to the Minister of Foreign Relations, Dr. Irigoyen, though in epistolary form, and on paper without official head ; and in answer to the Sub-Secretary's remark about amplification of instructions, he said :

“ However, whatever may be the modifications that Your Excellency may have to propose to me, I would like to know

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\* These letters are written by Baron Aguiar d'Andrada's own hand, in Spanish, and are copied with their errors.

them, in order that I may submit them in time to the knowledge of the Imperial government. My impossibility to make, at this moment, a trip to Buenos Ayres, and, on the other hand, being bound by my instructions to accept the treaty of 1857 as basis of the new treaty, I am compelled to trouble you with this request."

Dr. Irigoyen replied on the twenty-eighth day of March in the following terms:

"I really did request Dr. Lamarca to answer Your Excellency's letter in the terms which Your Excellency transcribes. I now have no objection to indicate to Your Excellency my opinion upon the treaty on limits.

"I think that I Article of the treaty of 1857 can be accepted in the new one.

"II Article refers to the survey of 1759, and, if I am not mistaken, that survey had not a definite result, for which reason it was necessary to appoint new commissioners and demarcating parties."

As I have already demonstrated, the survey of 1759 was pronounced void, and the new demarcating commissioners responded to the provisions of the treaty of 1777. Doctor Irigoyen goes on, very properly, in this manner:

"In order to avoid every possible difficulty upon this point, I think that reference to the survey of 1759 must be omitted; and decide that the rivers mentioned in I Article shall be determined in the presence of the labors, explorations and surveys made in the last century by order of the governments of Spain and Portugal.

"I also believe that, with a view that the discussions on limits shall positively cease, we must stipulate that in case of discord, the commissioners shall inform their governments, and if these do not reach an amicable adjustment upon the controverted points, the case shall be submitted to the arbitration of a friendly government.

"These are the suggestions that I can offer to Your Excellency, in return to your estimable insinuation, and as they do not alter, in any essential point, the treaty of 1857, I have thought the instructions of Your Excellency would be sufficient."

Baron Aguiar d'Andrada replied on the thirteenth day of April, one thousand eight hundred and seventy-six, in the same epistolary form, and said:

"This letter I sent to Baron de Cotegipe for resolution regarding the proposed modifications.

"I suppose, however, that I shall not have the pleasure to sign the said treaty with Your Excellency, as I sincerely hoped, owing to the fact that orders have been sent to Counsellor Gondim to take charge of his diplomatic post at your capital, and I have received my letter of recall, to be presented upon my successor's arrival at Buenos Ayres. However, I write to the said Baron de Cotegipe, expressing my desire to be the negotiator of the said treaty.

"I expect to receive, within a few days, the reply I am looking for with anxiety."

Three were the propositions submitted by Dr. Irigoyen to the Brazilian plenipotentiary. The first one, that of his said letter of the twenty-eighth day of March, on II Article. The second and third were these :

II Article.—"The commissioners appointed must have borne in mind that the demarcation of the boundary line must look out, under the stipulations of the tenth day of October, one thousand seven hundred and seventy-seven, between the governments of Spain and Portugal, for the preservation of what each of them possessed by virtue of the said treaty."

III Article.—"In case of differences among the commissioners, as to the execution of the present treaty, they should try to adjust them provisorily, without proceeding to make, in fact, any alteration, and shall report to the respective governments, so that these may resolve in a definite manner upon the points originating the dissension."

Doctor Irigoyen comments, right after, upon the three propositions :

"Believing that these stipulations fully answer the purposes of Your Excellency, I beg leave to offer them in substitution to the phrase which Your Excellency suggests to me. For the rest, as I do firmly believe that there will be no difficulty in the execution of the treaty, and it would be very unfortunate that through fear of dissension among the commissioners, which, should they occur, would be easily disposed of by the governments, we should postpone the celebration of a treaty which interests both nations, and which, at any other time, would offer the same obstacle which now detains Your Excellency."

On the twenty-sixth day of July arrived the much-looked-for reply from the Imperial Cabinet, and its Minister transmitted it from Montevideo to Dr. Irigoyen in these terms :

"The government of Brazil has accepted none of the three forms which Your Excellency has been pleased to offer it

as a solution of the controverted point in the treaty on limits which Your Excellency and myself are called upon to celebrate between your Republic and Brazil.

“ The reasons of the Imperial government for not accepting them, are the same which I have had the honor to submit in advance to the enlightened consideration of Your Excellency. To leave the designation of the boundary line, that is, the true *Pepiri Guazú*, to the new demarcators, is not to resolve the question ; it is to bring it back to the last century, and renew the controversies which took place between Portuguese and Spaniards. If there is a doubt with regard to the river *Pepiri Guazú*, what means have the commissioners at their command to dissipate it? Your Excellency will comprehend that such a doubt is surely to arise on account of the new demarcation. Baron de Cotegipe, in a note sent to me, rightfully says, that the three last forms are substantially identical, by comparison.

“ We do not advance one single step, says His Excellency, and we are still mixed up with the preposterous idea of a new survey as a rectification of the former ones ; and consequently, to the contingencies of renewed claims, already dismissed by the Portuguese demarcators and by ourselves. The danger attendant upon this new survey will be always extant, whatever the wording of the articles of the treaty may be, if the line of demarcation is not expressly specified.

“ Baron de Cotegipe, feeling that his efforts have been, so far, of no avail, and without hopes that they shall meet with success hereafter, has ordered me to drop the negotiation of the treaty, and leave for Buenos Ayres at once, in order to hand my letter of recall, so that Baron Araujo Gondim may take charge of the Brazilian legation in your capital. But I shall not take this step without first receiving from Your Excellency the last word of the Argentine government upon the subject in which we have been concerned.

“ I therefore beg that Your Excellency will kindly favor me with an answer about the matter.

“ I should be sorry that Your Excellency's insistence upon refusing to accept the wording of the II Article of the treaty of 1857, or its equivalent, may result in a failure to resolve a question which may, in the future, bring forth a conflict between our respective countries.

“ My interest in the final decision of this pending question between the Republic and Brazil, and the desire to place our relations on a footing of the most cordial friendship, induced me to not complying, without a last effort, with the instructions of my government.

"I do not really understand, Your Excellency will please excuse my sincerity, Your Excellency's obstinacy in not accepting the survey of the rivers Pepiri Guazú and San Antonio, made in 1759 by the Portuguese and Spanish commissioners, when the Argentine government cannot allege any title imparting to it, dominion of or right to the grounds east of these rivers, and when Brazil holds the over-secular possession thereof, inherited from Portugal, and maintained by it up to the present day. I trust, however, that the patriotism and enlightenment of Your Excellency, will obviate difficulties, closing, in the most satisfactory manner for both countries the negotiation of the treaty on limits.

"I look, therefore, for the reply asked for of Your Excellency, hoping that it shall be in conformity with my wishes.

"I do not go to Buenos Ayres to confer with Your Excellency, for if the negotiation of the treaty fails, my stay in that city would have no explanation."

Finally, on the eleventh day of August, one thousand eight hundred and seventy-six, in answer to another letter from Dr. Irigoyen, in which he did not agree with the preceding one, Baron Aguiar d'Andrada suggested :

Let us suppress II Article of the treaty of the fourteenth day of December, eighteen hundred and fifty-seven, and adopt the III Article, which shall be the II Article in the new treaty, in the following form :

II Article.—After the present treaty shall have been ratified, the two high contracting parties shall each appoint a commissioner to proceed, with the least possible delay, to the demarcation of the said rivers *Pepiri Guazú* and *Santo Antonio*, in conformity with the provision of I Article, upon which the principle of the *uti possidetis* is based.

If Your Excellency accepts, as I expect, this proposition, I do not doubt but that it will be also accepted by my government, for it involves the principle admitted in all the treaties on limits negotiated by Brazil with all its neighbors.

In this part of the negotiation is noticeable the want of a categorical explanation from the Argentine Chancery, relative to the treaty of Paraná in the promulgated form, that is to say, with the eastern rivers, because Doctor Irigoyen could not refuse to accept it, it being favorable to us. It must, nevertheless, be understood, that Doctor Irigoyen only rejected the wording of the original article. As I have already demonstrated, Baron Aguiar d'Andrada accepted in 1882 the treaty sanctioned by the Congress of Paraná.

As to the invocation of the *uti possidetis*, or the pretension to legalize

usurpations protested against at the proper time, or impossible, according to declarations of the Courts, Dr. Irigoyen replied on the twenty-first day of August, upholding the true doctrine, in these terms :

I accept the suppression of II Article of the treaty of 1857. I would not mind to add to the III Article, which shall be the II Article, the phrase, " which is founded on the principle of the *uti possidetis* if it can " be easily placed, considering two nations whose titles are derived from others which fixed before their limits by clear and well-defined international treaties.

I think that the *uti possidetis* is perfectly invoked among the American states, which were once subjects of one sovereignty, having doubtful or indistinct frontiers. The territorial circumscriptions in that case depended upon one common jurisdiction, and were fixed by administrative acts which, having no permanent character, were liable to alteration by the sovereign's will.

But in reference to states whose titles are derived from international contracts, in which the rivers and points of division have been designated, it seems to me impossible a stipulation founded upon the *uti possidetis*, which is only acceptable when, in the absence of fixed limits, the possession is provisionally or definitely sanctioned.

These well-founded remarks did not meet with much favor within the bosom of the Imperial diplomacy. Baron de Cotegipe sent to Baron Aguiar d'Andrada orders to close up the discussion and retire from Buenos Ayres. Doctor Irigoyen received, in fact, in October, a letter from the Brazilian Minister, dated the fifth day of November, saying :

By the last steamer from Rio I have received from Baron de Cotegipe the reply to Your Excellency's last proposal for the adjustment of the question of limits. In his dispatch His Excellency says to me :

" All the circumstances of the case well weighed, the most prudent will be to leave it in its present state, and let time give it a convenient solution."

" Therefore, I recommend you to state to Dr. Irigoyen that the Imperial Government cannot accept his last proposal, and considers the negotiation with which you have been charged as closed.

" It is convenient that Your Excellency should accelerate his leaving, so that Baron de Araujo Gondim may go and take charge of the post which has so long been intrusted to him."

These documents and antecedents show that the indefinite postponement

of the Misiones question was one of the principal chapters of the political program of the prominent statesman, Baron de Cotegipe, and it is proven, with more eloquence than anything else, by the acceptance made later on by the illustrious Emperor, of the same proposals which his Minister rejected in 1876.

#### IV

The Argentine Government resolved, however, to insist, and the Minister of Foreign Relations gave instructions on the thirtieth day of January, one thousand eight hundred and seventy-seven, to Señor don Luis L. Dominguez, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Rio de Janeiro.

Señor Dominguez was the person pointed out for this grave negotiation. Dr. Irigoyen had consulted him in 1876, when he showed his complete preparation in a brief but full *memorandum* about the inherited suit. The January note said :

The President thinks that this subject once initiated by the government of Brazil in the prudent, friendly form in which it was presented by Baron d'Andrada, ought to be pushed on. It is convenient for both States to fix their limits definitely, and now that the best relations exist between both governments, it is opportune to give this matter a solution. The President believes that Your Excellency should continue to discuss with Baron de Cotegipe the question initiated here by Baron d'Andrada. The letters which I have addressed to Señor Andrada, in compliance with the instructions of the President, will serve Your Excellency as instructions, and I think it useless to send to Your Excellency the historical antecedents of the demarcations of the last century, and of the disputes between the governments of Spain and Portugal, since Your Excellency is acquainted with all those documents, and has referred to them in the Argentine history. I will only say to Your Excellency, that this subject must not assume an official character, for the present. It is prudent to treat it in the same private form in which it was initiated by Señor d'Andrada...."

On the eighteenth day of May, of the same year, Señor Dominguez notified that he was prepared to open negotiations, according to the antecedents given him by Dr. Irigoyen, and he drew up the following basis :

I Article.—To appoint new commissions to survey the rivers referred to in the treaties of 1750 and 1777.



II Article.—That in the agreement which is now to be celebrated, in lieu of that of 1857, reference to the survey of those rivers made in 1759, shall be omitted, and stipulate that the rivers shall be determined in the presence of the works, explorations and surveys made last century by order of both governments.

III Article.—That in case of discord, it shall be referred to the arbitration of a friendly nation.

These bases agree, substantially, with those presented by Dr. Irigoyen to Baron Aguiar d'Andrada, in his said letter of the twenty-eighth day of March, one thousand eight hundred and seventy-six, and the former approved them by his communication of the twelfth day of June, addressed to Señor Dominguez.

He could, however, make no headway against the policy of postponement, and in February 1880 he wrote to Dr. Don Lucas González, who had succeeded Dr. Irigoyen at the Department of Foreign Relations, exposing the antecedents of his case.

I held a conference," he said, "with Baron de Cotegipe, in which he declared that it was best to wait for more favorable circumstances to obtain, purely and simply, the ratification of that treaty....

They claim to have the old possession of the territory in dispute, and although this is still deserted, the military colony of Paso Grande has just been founded on the opposite side upon the left border of the Uruguay, of which I have informed the government.

Señor Dominguez mentions in this letter the primitive treaty of 1857; but Baron de Cotegipe referred to the one closed by Congress. At the sitting of the House of Representatives of the Empire, which took place on the twenty-eighth day of August, one thousand eight hundred and seventy-nine, Baron de Cotegipe said about the question of limits:

We had this question already adjusted in the times of President-General Urquiza in 1857. *This treaty was ratified by Congress.*

*Señor Sinimbu* (President of the Council)—I think not! . . . .

*Señor Baron de Cotegipe*—It was ratified by Congress immediately after being promulgated by the President.

If Baron de Cotegipe accepted the form in which Congress ratified the Paranhos-López and Derqui treaty, the question was closed, for far from

omitting the promulgation, it was really made with the solution of *the eastern rivers* in the book of the official Record of the Confederation, kept, by order of the government, by Doctor Don Ramón Ferreira, Attorney-General of the nation, and in the legal form which I have copied in Chapter II.

Baron de Cotegipe, making reference to the negotiation Aguiar d'Andrada-Irigoyen, and always propitiating the necessity of gaining time, attributed the failure to inaccurate causes, and advanced affirmations which are not in harmony with the documents relative to the conduct of the Argentine negotiator, Doctor Irigoyen. He said in the course of the debate :

Señor Baron Aguiar d'Andrada discharged to perfection the mission intrusted to him (and I improve the occasion to do him deserved justice, and to express to him my personal gratitude) ; but, Mr. President, he was obliged to strike upon an obstacle, insurmountable in Republics, the fear of endangering popularity. The *Minister of Foreign Relations admitted our right*; he tried by every means to arrive at some understanding without risk of opposition detrimental to his government. Unfortunately, I could not accede to any of the means offered by him; for it is to be noted, that the Minister of Foreign Relations, Señor Irigoyen, had been kept away from public business for a long time, and there were in the Argentine Republic prejudices against him, arisen from his having lent his support—I do not know that he did so—to the Rosas government. *He feared, therefore, that any deliberation taken by the government would prove injurious, and failed to accede to our proposal, though without refusing it entirely.*

This was personally inopportune, politically improbable, and diplomatically inaccurate. If by admitting Brazil's right the orator understood to accept the claims to the western rivers, Dr. Irigoyen said nothing in that direction; but on the contrary, he stood firmly upon the ground of his country's right. Neither did he proceed in an ambiguous manner, with regard to the propositions presented to him by Baron Cotegipe, through Baron Aguiar d'Andrada.

The Argentine Minister scrutinized them, made counter proposals, and at the last moment, and when every conciliatory means had been exhausted, he refused them categorically, as can be seen in his said letter of the thirteenth day of October, one thousand eight hundred and seventy-six, addressed to the Brazilian negotiator, in which he stated:

I am very sorry not to have the honor to sign with your Excellency this convention, *but it is not possible for me to accept* the wording proposed in your esteemed letter of the eleventh day of August, for the reasons I had the honor to express in mine of the twenty-first.

Baron de Cotegipe foresaw that Argentine politics would continue in a state of agitation and that civil war would appear, as the only solution, upon the skies of the historical Presidency of Dr. Avellaneda. His anxiety was, therefore, to gain time; not precisely in the expectation of more propitious days to international concord, looked after by other less concerned statesmen, but to set the foot of the Brazilian soldier upon the disputed Misiones, in support of the concentration of the forces, and of the public spirit of the Argentine in its internal quarrels.

By that time Brazil began, in fact, the foundation of military colonies upon the territories in question. These acts endangered peace, and the Argentine government protested against them, and affirmed the possession of the territory, enacting laws to that effect, completing investigations which confirmed its rights to the integrity of which the Argentine plenipotentiary at Rio, Señor Dominguez, lent his solicitous attention, suggesting, at the same time, some of the measures adopted at Buenos Ayres in that direction.

I have said that peace was threatened, and this prudent Minister thought that it was his duty to insinuate it to the government in a private note of December, 1879, counseling a firm and sensible policy.

At this present moment, he said, I do not see any imminent danger; but presuming to know the policy and the means the statesmen of this country avail and have always availed themselves of, I would always adjust the conduct of my country to the principle just mentioned. I would try to avoid giving them such pretext. I would spare no exhibition of friendship and justice towards them, and would maintain our forces of sea and land under a perfect organization, and ready for the defense, just as they hold theirs in readiness for the aggression.

However, all the Brazilian statesmen did not agree with the policy of postponement, of advance, and of international mistrust. Senator Correa, ex-Minister of Foreign Relations, elected by the province of Rio Grande, had called the attention of the President of the Cabinet to the urgent need of fixing, definitely, the limits with the Argentine Republic.

The difficulties, he said in the sitting of the thirteenth day of March, one thousand eight hundred and seventy, which originated in the demarcation of limits with the Argentine Republic, could be removed in the present circumstances by the noble President of the Council, invoking the patriotism of the same Republic, which will, no doubt, appreciate the importance of the solution in question, remembering what has happened in relation to the limits with Chili and Paraguay.

V

Brazil gave to understand that it possessed the disputed territory; but its diplomacy, disappointed at the rejected negotiations, in which it claimed all the extent of the said territory, as is demonstrated, solemnly confessed that it did not have the invoked possession, and prepared itself to try it in 1879 by parliamentary initiation.

Such is the source of the governmental measures of the Empire adopted in 1879 and 1880, ordering the foundation of military colonies on the frontiers of the province of Paraná upon the disputed zone. The Imperial government proceeded cautiously, and in a trying manner, to find out the effect of these foundations upon the government and the people of the Argentine Republic, for the foundations attempted after the treaty of 1857 had failed by isolation in the deserts.

At the beginning the facts occurred on the Imperial frontier, though the decrees made reference to the occupation of the territory in dispute. Had the Argentine government emphatically protested, the Imperial government would have hesitated, as it had not the purpose to provoke the conflict.

But the same cause that had favored other occupations of the national territory by the outsider, reappeared before the advance of Brazil upon the Misiones. The Argentine Republic was divided in two camps by a bloody civil war, and the government, engaged in the defense of its own existence, only acknowledged to the Argentine plenipotentiary at Rio de Janeiro the receipt of the frequent and well-founded notes in which he communicated the usurpation, and advised to take measures.

However, the Argentine plenipotentiary at Rio de Janeiro, Señor Dominquez, protected our rights with a timely effort against the attempted occupation of the Misiones, and if the internal difficulties of the Republic deprived his word of the moral force and the material sanction necessary to hinder those plans, he could comprehend that the Imperial government had not the deliberate intention to face the perils to carry them out, and offered a chance to the Argentine chancery to sterilize them.

In fact, in a note dated the fifth day of March, one thousand eight hundred and eighty, addressed to the Department of Foreign Relations, proposing the affirmation of our possession, he said :

Allow me to suggest to Your Excellency the convenience that the government should send, as far as San Javier, some armed force, in order to make the actual possession of the Argentine Republic felt in those places. That old port of Alto Uruguay for the exportation of *mate*, is presently the centre

of a population composed of heterogeneous elements, among which the Brazilian stands foremost, and occupies itself in the cultivation of the said grass. Could not, or should not the national government go and take possession of that far and exposed frontier?

In a note of the seventeenth day of October, one thousand eight hundred and eighty, Señor Dominguez said :

After these colonies shall have been established, there will be a kind of a line of military colonies garrisoning the frontier, to which the government of Brazil claims to have a right, and to be in possession of the same. I take the liberty to remind Your Excellency that I have informed the government of the progress of these foundations for the last two years in my notes 222, 226, 290 and 291.

On the first days of 1881, when the founders of the military colonies stepped on the ground in question, Señor Dominguez conferred with the Minister of Foreign Relations of the Empire, and communicated to the Argentine government the result of his action in these terms :

Señor Pedro Luis came, really, to this city on the sixth, and came to see me, without touching the matter; but on the following day we met twice and he expontaneously told me, that he wished to inform me of what had happened with the military colonies which were ordered to be set up upon our frontier on the rivers Chapeco and Chopin. He assured me that he knew nothing when the Department of War resolved to send thither Captains Borman and Dantas to found those military colonies, *that as soon as he knew it, he declared to the Minister of War that that measure was inconvenient; that it was a matter which concerned his department, and not the Department of War, and that orders had been given at once that those officers should leave the frontier.* We then exchanged declarations of our best wishes for the maintenance of good friendship between both countries, and the minister closed saying, *that he expected that some means would be found to settle the question of limits without hurting in the least the feelings of either nation.*

*I then declared that the withdrawal of those two colonies seemed to me very convenient, and that when this was done, I also believed that the termination of the question in an amicable way would not be difficult.*

The Emperor, on his part, had wished to dissipate the alarm of Señor Dominguez by talking to him personally. The Argentine minister said in the same note:

On the third inst. I had a personal conversation with the Emperor, during which, after asking me for news from my country, as usual, he spoke to me of our question of limits. *It is necessary, he said to me, that we arrange this question, because it is convenient for all and there is no difficulty in it.* I replied to him that the Argentine government was in the best disposition to settle it, and His Majesty, after adding some words which elicited the sincere desire to arrive at this result, closed by saying that the Minister of Foreign Relations would very soon speak to me about this matter.

Señor Dominguez had acted very effectively. The foundation of the colonies remained not only in suspense, but categorically disproved by the Imperial government.

The Argentine Republic demolished in 1881, at its capital, the entrenchments of the combatants of 1880, and the government and the people, still excited with the passions of the bloody contest just finished, busied themselves only with the political, administrative and civil reorganization demanded by the federalization of the city of Buenos Ayres.

The politicians of the Empire, convinced that the Argentine chancery would not assume a vigorous stand to maintain and improve the success of the efforts of his Minister at Rio de Janeiro, resolved to return with their troops to the frontier, and after encouraging the colonies Chopin, Chapecó and Palmas, which advanced upon the disputed region, penetrated into the heart of the territory upon the heights which divide the sockets of the Paraná and of the Iguazú, setting their advance guards at Santa Ana and Campo Eré.

Such an audacity carries, however, an error of the fluvial diplomacy which has injured Brazil very materially in the diplomatic debate upon the subject, because it proved incontestably that it never had on that territory the possession of a century's duration, which its statesmen have offered as the only title, since the Emperor's declaration in 1857, through the most illustrious Señor Paranhos in his *Memoria* to the government of the Argentine Confederation; that the Empire lacked the written right to claim the Misiones.

For the rest, those recent usurpations would not favor in any way Brazil's claims, because they have been made in violation of the *statu quo* which both governments always observed, because, having been protested against in proper time by Señor Dominguez, they were categorically disproved by the Imperial government, and finally, because in the treaty Zeballos-Bocayuva, Brazil recognized the Argentine sovereignty upon the towns which lay in most of the disputed territory, such as Santa Ana, Coelho and Campo Eré.

VI

Señor Dominguez advised the government in the same year, 1881, to open negotiations to settle the question. Such advice was practical and clever.

The irreconcilableness of some politicians of the conservative party maintained the alarm in both nations when Baron Cotegipe ascended power, closed all negotiation prosecuting postponement, without neglecting, as it has been seen, the usurpations in fact. Outside of the cabinet, the illustrious statesman was a watchful, keen censor of the Ministers who did not agree with his ideas, which he upheld under his signature in the Press, and by his eloquence in Parliament.

The meetings of Señor Dominguez with the Emperor and with the Minister of Foreign Relations, to which reference is made in the said note of the eleventh day of March, one thousand eight hundred and eighty, revealed a reaction in the Imperial policy against the plans of Baron de Cotegipe, and the Argentine minister advised to make the best of it. That was practical and clever, because the negotiation or settlement would at the same time waken the contemplated military colonies, and those which were in course of formation.

The impossibility of agreeing upon the basis of the treaty of 1857 was a serious obstacle in the way; but Señor Dominguez found it cleared up by the Imperial minister in the conferences of the third and seventh of May with the Emperor and with the Minister of Foreign Relations, in which they offered him a clear opening for a *direct settlement or compromise*.

Señor Dominguez advised his government without delay to enter these new fields, believing that the disputed territory could be divided between the two Pepiri on the heights which separate the falls of both rivers and the two San Antonio.

Doctor Irigoyen had been called to occupy again the Department of Foreign Relations, in the government of General Roca, and reacting against the inactivity of his predecessors, he strengthened Señor Dominguez's patriotic action. He wrote to the Argentine minister at Rio de Janeiro on the twenty-fourth day of March, one thousand eight hundred and eighty-one, in these terms:

“ I have received Your Excellency's note No. 368, dated March 11th, in which Your Excellency apprises me of a conversation held with the Emperor in regard to the question of limits, still pending, and of the conference, upon the same subject, with the Minister of Foreign Relations. ....

.....  
“ The President thinks that you ought to accept the suggestions that have been made to you. It is convenient to put an end to this matter, *which may get entangled with advances*

*of occupation*, and therefore it will be proper that Your Excellency shall inform the Minister of Foreign Relations that this government *accepts the idea of fixing, definitely, the boundary line of this Republic with the Empire*. I think it convenient that Your Excellency shall make the same statement to the Emperor.

"Your Excellency, in note No. 295, of the first day of April, one thousand eight hundred and eighty, suggested the convenience of initiating a compromise.

"It being advisable to have all our ideas well defined before opening negotiation, the President directs me to ask you, in view of the study you have made of this subject, to communicate the ideas which, in your judgment, would lead to a definite result."

Señor Dominguez, in April, asked the Minister of Foreign Relations of the Empire to propose the settlement spoken of in the conference of the seventh day of March. The Imperial government preoccupied, without doubt, with stopping the Argentine attitude with regard to the military colonies, had hastened to give instructions to Señor Baron de Araujo Gondim, its minister at Buenos Ayres, to treat the settlement of the question. These instructions, as will be seen hereinafter, were nothing but a premeditated diplomatic overture, to gain time; and to quiet, at the same time, the Argentine government.

In the meantime Señor Dominguez wrote the note of the sixteenth day of April, one thousand eight hundred and eighty-one, in which he offers to the Minister of Foreign Relations, Dr. Irigoyen, the forms asked of him for the compromise. He said:

"The Minister has evaded a reply to my question. He wishes, perhaps, that the negotiation shall take place at Buenos Ayres. Having been unsuccessful in knowing Señor Pereyra de Souza's purpose, and Your Excellency having done me the honor to ask for my opinion, I have only to confirm what I said in my confidential note, that is, to propose a compromise dividing the disputed territory on the heights which separate the falls of the rivers covering the same."

## VII

Dr. Irigoyen had no occasion to pass upon the question, for, having been called to occupy the portfolio of the Interior, he left that of the Foreign Relations to Don Victorino de la Plaza, an old Minister of the Treasury.

The brief action of Dr. Irigoyen on the Misiones in this department was not useless. He gathered up Señor Dominguez's forgotten advices, reiterated



with patriotic insistence for two consecutive years, and accepting his sensible suggestion of carrying the laws and the arms of the nation into the missionary land, he promoted the law, confirmative of our possession, sanctioned on the twentieth day of December, one thousand eight hundred and eighty-one.

The territory of Misiones, national since its origin, had been adhered to the local jurisdiction of the Province of Corrientes during the long, burdensome, administrative disorganization which the civil war imposed on the Republic. Dr. Irigoyen promoted the regularization of this state of things, and that law reincorporated the territory in the national jurisdiction, erecting it into a government with its corresponding limits, according to the treaty of the Courts of 1777.

The decree of the sixteenth day of March, one thousand eight hundred and eighty-two, organized the new government, affirming our rights to the claimed limits. The capital was established at Corpus, an old mission which would be called *Ciudad San Martin*.

This decided attitude of the Argentine government caused deep excitement at Rio de Janeiro, and Baron de Cotegipe, leader of parliamentary opposition at the time, wrote a letter to *El Globo*, in which he accused the government of gross carelessness in the grave international question. The government was compelled to defend itself, and published in *El Diario Oficial* of the thirteenth day of May, one thousand eight hundred and eighty-two, the declaration that, far from neglecting the question of limits with the Argentine Republic, it followed the example of the vivid interest with which the Baron de Cotegipe had handled it. It went on to say that the government expected to know the solution of the Argentine Congress and its consequences.

The Imperial government's publication closed with a transcendent and very important declaration for the Republic. From informations asked by the Chancery about the true situation of the military colonies, it appeared that they were outside of the disputed territory. It says, in effect:

“ The foundation of our military colonies may not be a cause for reclamation, because those colonies are situated outside of that territory, according to the Memorandum presented by Counsellor Doria to the general Assembly.”

Though the colony Campo-Eré advanced into the centre of that territory, it was officially disproved by the said explicit words, and its existence brought about by the joint commission presided over by General Garmendia and by Baron Capanema, amounted to an occupation, void of legal force, that would in due time be submitted to the respective sovereignty. The Zeballos-Bocayuva treaty recovered it for the Argentine Republic, as I have stated.

The uniform earnestness with which the Imperial Cabinets disproved the foundation of those colonies *upon the disputed territory*, gives to the fact elicited by the international survey recently accomplished, a clandestine

character against the ostensible policy of the Government of Brazil, which act must be added to those already mentioned, to pall the ulterior effects of the foundations.

Baron de Cotegepe energetically replied in a letter published in *El Globo* of the thirteenth day of May, one thousand eight hundred and eighty-two. The government had also declared that the Minister of Brazil at Buenos Ayres received orders to protest against the law confirming our possession and occupation of the Misiones; but that it had not done so out of considerations which seemed to be powerful. Baron de Cotegepe prompted a comment upon this official word and rightly understood that Brazil's attitude implied the tacit acceptance of the possession of Misiones by the Argentine Republic. The article in *El Globo*, which preceded the prominent statesman's letter, said :

“ As a consolation for the humiliating position assumed by our government, against its will, and only to obey its diplomatic agent whom, however, it did not find to be right, it assures the country that ‘ no Argentine law can extinguish the pending suit between the two States, nor establish any jurisdiction that the Imperial government does not recognize.’

“ No such triviality is here referred to; what the government is criticized for, and it criticizes its own envoy, *is for having allowed the consummation of important acts of sovereignty on the part of the neighboring Republic without any objection on our part*’

The same letter from Baron de Cotegepe closes in this manner :

“ The Argentine's claim subsists in all its vigor. It is true that one law, or one decree, do not give them any right; but it is a lack of consideration towards us, and a symptom, if not a proof, that they pretend to cut the knot with the sword.

“ It remains also in evidence that for the present, there does not exist any act on our part demanding explanations, or making exceptions or protest.”

Soon after, in July, the discussion on the budget of the Army and Navy was taken up as a pretext to discuss the Imperial government's stand, which had allowed the definite occupation of the Misiones by the Argentine Republic.

Two celebrated statesmen from the North, Baron de Cotegepe, Counselor Saraiva, and a notable orator from the South, Señor Silveira Martins, took part in the debate. They all agreed upon the necessity of preparing the Empire for war, and the budget was voted accordingly.

The newspaper which echoed Baron de Cotegepe's inspiration, *El Globo*, said on the thirteenth day of July :

“The three orators and political eminences which made themselves heard, Señores Baron de Cotegipe, Saraiva and Silveira Martins, concurred in capital points, and were barely divided upon the way of utilizing our means of defence, and of aggression, in case of need.”

The possession of the Misiones, which the Argentine Republic held uninterruptedly since the national organization, came from Spanish inheritance, because the Metropoli had possessed them also, including the eastern Misiones, situated on the left border of the Uruguay. The law of 1881 exercised perfect rights of sovereignty historically and legally sanctioned, and the Empire did not protest against, nor objected to the occupation which invalidated its officers' clandestine acts.

## VIII

After the conferences of the plenipotentiary, Señor Dominguez, with the Emperor and with his Minister of Foreign Relations, the Brazilian plenipotentiary at Buenos Ayres, Baron Araujo Gondim received instructions to propose the settlement of the question. The portfolio of Argentine Foreign Relations was at the time under provisional charge, and the Brazilian initiation remained unreplied.

On the second day of June, one thousand eight hundred and eighty-two, Baron Araujo Gondim addressed a note to Dr. V. de la Plaza, who had been called to occupy the department, stating that, “wishing to avoid complications, and in order to maintain friendly relations, which happily exist between the two countries,” he had been ordered to propose to the Argentine Government the opening of negotiations “for a definite adjustment of the question of limits.” This note was extensively replied to on the tenth.

The Minister, after going over the clandestine occupation of a part of the disputed territory by the officers of the Imperial army, in spite of the categorical declaration of Minister Souza to Señor Dominguez; and of saying that all attempts at a settlement had failed owing to the policy of postponement sustained by Baron de Cotegipe; he declared that the Argentine government had been disposed, and was disposed to re-open negotiations to finish up at the earliest moment, a question, which neither of the two nations had any profit in maintaining any longer. Finally, he added:

Therefore, if, as I should suppose, Your Excellency is authorized and furnished with the necessary instructions to treat the matter, I am happy to notify Your Excellency, in compliance with those I have received from the President, that we may commence the negotiations, and I look for Your Excellency's suggestions to that effect.

The Brazilian Envoy's answer was delayed until the nineteenth day of July, as he did not feel authorized to give it without previous consultation with the government of Rio de Janeiro.

The Imperial government was sure that its invitation would be welcomed with the same good-will shown on other occasions. In effect, the Argentine government accepted the one of 1857, and as Your Excellency will remember, that of 1876, and the one of 1880. It behooves me, however, to remark that it refused to ratify that treaty, though it had deserved its approbation and that of Congress; that it made, in the second year, propositions which, not being acceptable, prevented the closing of an adjustment, and in the last year, by reasons, over which the Imperial government had no control, it failed to pass upon a suggestion of mine to Dr. Gonzalez in one of the various conferences I held with him since January, in which I prepared confidentially, by virtue of instructions received, the negotiation referred to by Counsellor Pereira de Souza, in his reply to Señor Dominguez's note of the fifth day of April, cited by Your Excellency.

The record of the treaty of 1857, which has been read, amounts implicitly to the acceptance of the reform voted by the Congress of Paraná—that is to say, of the *eastern rivers*.

Señor Araujo Gondim's note adds another declaration, as important, substantially, as the former, and particularly effectual by the frankness and precision of its terms. It disproves, in fact, the foundation of military colonies or guards, as was done already by his Sovereign and the Chief of the Chancery. These are his words:

Coming to the other point, may I be permitted to assure Your Excellency that he is not well informed, when he says that military colonies subsist and increase, notwithstanding the declaration made to Señor Dominguez. The colonies are founded upon the left border of the river Chapecó, and on the river Chopin—that is to say, upon a territory avowedly Brazilian, *outside* of that which is disputed by both countries.

The Argentine titles do not refer to the *Chopin*, fifth river erroneously introduced into the debate, which error has been rectified; but to the *Jangada* or *San Antonio Guazú*, de Oyarvide, situated further east of the former. Notwithstanding this remark, the Brazilian government's purpose clearly means the disapprobation of the foundations within the area limited by the *four rivers* of the suit."

Baron Araujo Gondim arrives at conclusions, and submits to the Argentine Minister the following basis :

In the opinion of the Imperial government, the negotiation prepared by me in 1880, may be taken at the point where it rested by the suggestion to which I have referred, that of substituting II Article of the treaty of 1857 by other, which text I have submitted. I have order to propose to Your Excellency the substituting article, which is as follows :

The rivers Pepiri Guazú and San Antonio, referred to in the preceding article, are : the first, the affluent which flows into the right or northern border of the Uruguay, a little over a league above its Great Fall, and in latitude  $27^{\circ} 9' 23''$ ; and the second, the *counterfall of the former and first important affluent which enters by the southern or left border of the Grande de Curitiba or Iguazú*, from the confluence of the latter with the Paraná, in latitude  $25^{\circ} 35'$ . Both rivers spring from the same plain, at the top of the mountains, which divide the waters of the rivers Uruguay and Iguazú; and their springs are scarcely five hundred steps apart, in latitude between  $26^{\circ} 10'$  and  $26^{\circ} 12'$ ; the Pepiri Guazú running in eight directions  $15^{\circ}$  S. W.; and the San Antonio in  $26^{\circ}$  N. W.

The Brazilian proposition was accompanied by an extensive *Memorandum*, which I do not deem it opportune to analyze, not only because it circulates printed in several works authorized by both countries, \* but because there is nothing new in it, the memorandum being limited to the exposition of diplomatic antecedents and demarcations of limits between the crowns of Spain and Portugal, with the already known spirit of other expositions of the same source, among them the mentioned *Memoria* of the illustrious Counsellor Paranhos. I have given my opinion about those antecedents, and determined, in a positive incontestable manner, the conclusions arrived at by the Courts.

But there is one conclusion in this *Memorandum* which I will not let pass unnoticed. It says :

It is so certain that there never was a doubt raised as to Brazil's right to the said line of the Pepiri Guazú and San Antonio, as this was drawn by the demarcators of 1759; that all publications, old and modern, made in the Republic or abroad, with the seal of official consent, and even those made under the direct auspices of the Argentine government, acknowledged and respected it.

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\* Documents on the Question of Limits at Misiones between the Argentine Republic and the Empire of Brazil—Buenos Ayres, 1883.

Thus, Martin de Moussy, and latterly Pettermann and Burmeister pointed, with general approbation, on their charts of the Argentine Republic, the rivers Pepiri Guazú and San Antonio of the demarcation of 1759, as forming the line which separates it from the Empire; it being noticeable that the second of the said authors, specially, is a geographical authority of well-known competence.

The same work of Mr. Napp, prepared and executed with the pecuniary help, and under the immediate supervision of the Argentine government and with the express object of making the Republic known at the World's Fair of Philadelphia, a work also lately official, with a geographical chart projected by Messrs. Seelstrang and Tourmente, upon which the same boundary line is accurately pointed out.

This work was of 1875, published eighteen years after the treaty of 1857, and also with general approbation.

Baron de Araujo Gondim refers to publications of foreigners, some of whom, like Pettermann, had no relations with the Argentine Republic; so that their affirmations have no value whatever if they do not conform with their titles and rights. Doctors Moussy and Burmeister and Mr. Napp have rendered services to the Argentine administration.

Señor Moussy has not published the affirmation ascribed to him by the Imperial diplomat. If his V plate of his known atlas containing *la Carte de la Republique Argentine, divisée en ses différentes provinces et territoires et des pays voisins, Etat Oriental de l'Uruguay, Paraguay, partie du Brésil, et de la Bolivie, Chili*, 1867, is examined, it is proved that the limit of the Misiones runs through the system of the eastern rivers situated *above the Uruguay Pitá*, which the French geographer called *San Antonio Guazú and Pepiri Guazú*, while he draws and names *Pepiri Mini and San Antonio Mini*, the western rivers. It is certain that on a partial chart the limit runs further on through the last rivers, but his drawings and print were made after the death of the illustrious traveller, and the fact has no more significance than an error committed by the copyist, for the whole atlas being a decomposition of the general map above named, the details must, necessarily, have been the exact reproduction of the former. The partial chart which has induced Baron Araujo de Gondim into error is the VII of the province of Corrientes, but the VI, exclusively devoted to the Misiones, draws up the international limits with cross lines through the *eastern rivers*; that is to say, according to the general chart.

The Misiones in dispute had not been surveyed in 1867, and on the partial chart VII of Moussy, appear *six* rivers, instead of *four*. Those of the centre have been pointed out as frontiers, dismissing the Brazilian claim to those of the west, which the same chart designates with the Argentine names of *San Antonio Mini and Pepiri Mini*. Therefore, the only proper and reasonable interpretation is, that this partial chart excludes, however, the limit claimed by Brazil of the minor (*Mini*) rivers of the treaties of the Courts, although he

did not succeed in sketching the larger river (*Guazú*) in their true position. The chart XVIII on the Gran Chaco, and the general physical chart XX conformed with the general geographical chart.

To close the debate upon this point in an irrefutable manner, read chapter IV, page 150, of the third volume of the de Moussy's text, in which he describes the larger rivers above the Uruguay Pitá. He says that this territory and the situation of its rivers is little known, and finally, on page forty-eight, volume I, he describes the general limits of the Republic in this form :

As to the the northeastern end of the Misiones, the course of the rivers Pepiri and San Antonio Guazú has not been astronomically determined, *those two great streams of water*, that descend from the bushy hills of this territory, and plunge, the former into the Yguazú, and the latter into the Uruguay. The commissioners of limits surveyed these rivers for the first time in 1759, and secondly in 1788, and fixed the position of their mouths, without being perfectly in accord about their course.

No better luck had the citation attributing to Dr. Burmeister's declarations favorable to Brazil. In his *Description Physique de la République Argentine*, volume I, page 184 (Buenos Ayres, 1876), the prominent savant says with regard to the line of limits :

"It goes up the course of the Uruguay, as far as the mouth of the river Pepiri, following the course of this river in a northerly direction, and crosses the line of the separation of the waters, following then the river San Antonio up to its confluence with the river Curitiba. This drawing of the limits had been fixed immediately after the wars between Spain and Portugal by the treaties of peace of 1759 and 1788, and afterwards by the more recent convention of the fourth day of December, one thousand eight hundred and fifty-five, between Brazil and the Argentine Republic."

At first sight, it is noticeable that Dr. Burmeister confuses the dates, giving to the treaties those which correspond to the demarcations of limits. As far as the last treaty is concerned, he meant to refer to that of 1857, which Congress approved with the *eastern rivers*.

A national official, Don Recardo Napp, made a compilation of documents for the World's Fair, of Philadelphia, in 1876. On page twenty-five of the work, printed at Buenos Ayres in the course of the same year, is found just the contrary of what Baron de Araujo Gondim ascribes to him. He says :

"To the *East*, from Cape Horn (56° latitude south, and 67° longitude west) the limit extends along the coas of the Atlantic

ocean, up to the mouth of the Plata, etc.,.....  
.....  
where it bends northward and the northwest following the  
rivers *Pepiri Guazú* and *San Antonio Guazú*, as far as the  
flowing of the latter into the *I-Guazú*, also named Rio Grande  
de Curitiba."

It is unnecessary to insist upon what the Argentine writers understand by great rivers (*Guazú*) in this secular debate.

To put an end to the frequent citations of maps, edited in the Argentine Republic, or upon it, made by some diplomats as arguments against the rights and claims of the same, I will say, that the national government has emphatically declared that no official maps exist. In a note addressed to the Minister of Justice, Worship and Public Instruction, dated the twentieth day of November, one thousand eight hundred and eighty-nine, which I had the honor to sign, I said, by resolution of the government's general accord :

"The well-known lack of maps officially authorized imposes upon the various departments of the administration the patriotic duty of selecting, with greater precaution, the charts serving to form in the minds of the new Argentine generation the conviction of the territorial rights of the Republic.

"Criticism finds much to say about the atlases and maps, which are used as texts in the establishments I have mentioned, and with a view to prevent inconveniences which Your Excellency know of, and to avoid that the repetition of facts of this nature may encourage foreign aspirations, I beg to address Your Excellency with the request that a strict revision of the texts of national geography, to which I have referred, shall be ordained, so that the new editions shall consult the rights and conveniences which I have had the honor to represent.....  
.....

"The Argentine Republic has no official maps, and if some of them invoke such character, this Ministry does not recognize them in international matters, for it never authorized them. Furthermore, the fact that the editions are undertaken by public officials subsidized by the state, or bought by directions of official education, does not bind the Argentine government to be responsible for the contents thereof, and it only means a simple stimulus to intellectual labor, or the acquisition of mechanical material for learning, as it were, leaving all responsibility for the errors which teachers rectify at school, to the sketchers, strangers as a rule.

The Minister of Foreign Relations replied to the notes and the *Memo-*



*randum* of Baron de Araujo Gondim in the publication just cited, and relieves me from dwelling upon this feature of the negotiation. I will say, nevertheless, that the Argentine Memorandum is effectual.

It analyses the treaties and demarcation of limits between Spain and Portugal with clear judgment and forcible logic, concluding that the written right of those times adjudge to the Crown of Spain the territories of Misiones as far as possession would be implied at the time, guaranteed for the future by the expressed fact, which is notorious, as I have cited.

Not less effectual is the demonstration of the error committed by the demarcators of 1759. The Argentine *Memorandum* gives evidence, without leaving any doubts, that they proceeded informally and arbitrarily, in accepting, as a starting point, a river which was not the one pointed out on the map of the Courts which was, according to the document before said, the guide and the criterion of the operations upon the ground. On the other hand, the demarcators did not show much effort in falling back before obstacles, easily surmountable, to subordinate the sovereignty of their respective nations to the unauthorized dictum of a barbarian.

The records of this demarcation, carefully analyzed, show their own invalidity, for they declare that the demarcators accept the river *Pepiri or Pequiri Mini*, as the *Pepiri or Pequiri Guazú*, although it did not conform with the map of the Courts, according to which it should run the limits above the Uruguay Pitá. Consequently, the conclusions of the demarcators of 1759 were founded on a violation expressed and declared on the records of the stipulations of the Courts, and of the instructions that were given them.

The Argentine minister accompanied his *Counter Memorandum* by a note dated the thirtieth day of January, one thousand eight hundred and eighty-three, in which he decidedly rejected the basis for a settlement presented by the Brazilian negotiator, and said :

“ Prompted by the most sincere desire of finishing up the question in a just manner befitting two nations which owe each other mutual deference, this government would have seen with pleasure, that that of Your Excellency, inspired by similar feelings would have proposed some means which, in conformity with the limit already recognized, would tend to realize the completion of the line, with the designation of the nearest confluent also surveyed in its source by the Spanish geographer, Oyarvide, in the said operation of 1791, with which the demarcation between both nations would be concluded.

“ But to accept Your Excellency's suggestion in the way it is offered would amount to give up, without cause or reason, territories upon which the Republic considers itself to have a right.

“ This government thinks, therefore, that the demarcation might be continued in the confluence of the Pequiri, uniting the source of one and the other by a line dividing the inter-

mediate mountains, and which will be comparatively short, as was verified by Oyarvide, and for which the respective commissions should be appointed.

“ Thus the limits of both countries, to their full extent, would be definitely drawn ; and if, as is not to be expected, any difficulty should arise in its execution, it would be settled by both governments, or some other means would be adopted for the solution.”

The weak exposition of the *Memorandum* of Baron Araujo Gondim was consequently set at rest. The Imperial government perhaps felt itself affected by the defeat suffered in the debate, and resolved to recall from Buenos Ayres that worthy and prudent diplomat, accrediting, as his successor, Baron Leonel de Alencar, who had treated in Bolivia, with clear judgment, the question of limits.

Thus closed the negotiations initiated in 1880 by Baron de Araujo Gondim. The impression that its study leaves in the mind is decidedly in favor of the rights of the Argentine Republic.

## IX

Baron de Alencar did not actually promote a new negotiation after the rejection of the basis suggested by his predecessor, neither did he continue the debate of the same. His instructions had the double aim of gaining time and to weaken the effectiveness of the Argentine *Counter Memorandum* and of the notes, which success had caused a certain alarm in Rio de Janeiro.

In effect, on the thirtieth day of December, one thousand eight hundred and eighty-four, he presented to the Argentine Government a full *Counter Memorandum* forming a printed book of 160 pages in 8 vo., a mature writing animated with a vigor of patriotic intentions, but ineffectual, as the *Memorandum* of Counsellor Paranhos, and as the one presented by Baron de Araujo Gondim, because the documents and the geographical facts do not concur in giving it the eloquence of conviction. This allegation was written in Rio de Janeiro and Baron de Alencar introduced it with a note of the same date in which he says :

“ The Imperial government could have replied at once, for it had already studied that question thoroughly ; however, it deemed it just to examine it over again, taking into consideration every one of the arguments presented by the said Minister in the extensive *Memorandum* accompanying his note, and whose object was to refute the brief *Memoria*, in which the late Baron Araujo Gondim had demonstrated the rights of Brazil. In this new examination, to which the

Imperial government consented without prejudice, and animated with the desire that it should be resolved justly and impartially, it was necessary to make transcripts of numerous old and new documents."

And if there was not a basis presented by his government, whose rejection by that of the Argentine Republic demanded its withdrawal, its support or the substitution for another, and without replying to the counter-basis offered by the government of Buenos Ayres, the Imperial government does not care, in its long allegation, but to refute the forcible *Memorandum* of our chancery.

He begins to treat the matter without preambles, and terminates without referring to the possible forms for the pending adjustment, so that this writing is a true treatise of political missionary geography, composed to proclaim the pretensions of the Empire. As a diplomatic paper, it looks like a manifest. It attacks the substance of the Argentine *Counter Memorandum* from three different points of view, which I shall examine superficially and ordinately. It starts by analyzing the demarcations of 1759 and 1788, discussing right after, the treaties of the Courts, and finally, he invokes and upholds the *uti possidetis*, as did his predecessor.

This question being well on the way in this form, it was difficult to distance the *Memorandums* of Counsellor Paranhos in 1857, and of Baron Araujo Gondim in 1882; and the Imperial government follows the track of the same, enlarging the citations and the known conclusions without finding new and final reasons.

Of course, it exposes the antecedents of the demarcations of the last century, and reproduces *in extenso* those pages of the journals of the surveyors which answer his purpose, to conclude, that the demarcation of 1759 was carefully made and adjusted to the truth in accepting as the river of the treaty of the Courts the one situated below the Uruguay Pitá.

I have given the necessary antecedents to form an opinion on this point, and I will only say, that in order to arrive at such a conclusion, the government of Rio de Janeiro was obliged to force reasoning to find some way to justify an operation, the authors of which began by declaring that they had disregarded their own instructions according to their records, which the new allegation does not destroy, nor even hits upon.

The Courts desired, in fact, that the system of bordering rivers should commence *above* the Uruguay Pitá, and in order that the demarcators should so understand and execute it, they first drew this limit on a map, principle basis of their instructions, and its existence and national authority was recognized by the agreement I have cited, and was signed by the plenipotentiaries of Spain and Portugal.

The weak demarcators of 1759, vanquished by a little fall of the river Uruguay, which never held back anybody, and guided by the information of an Indian who, in his *childhood* travelled through those places, and remembered to have heard of a river Pequiri or Pepiri, they adopted the one I discuss, below the Uruguay Pitá, and consequently, a river expressly eliminated

from the ground of its source. Fortunately, they said at once that they adopted it because they believed that there was no other river above the Uruguay Pitá, '*though its actual position does not conform with the one pointed out by the map of demarcations issued by the Courts.*' The existence of the eastern Pequiri having been thus demonstrated to them, the matter was settled by common accord. They were, therefore, not only weak but not over-zealous of their duties. Their work being nullified by the organic viciousness confessed on the record the Imperial government has acknowledged for the first time, and as a single recourse, in this document that the map of the Courts had no authority, and ought not to guide the demarcators. The wrong of the argument is obvious. Its authority, which was most solemn, was derived from an international public act that had not been annulled by subsequent acts which the treaties of guarantee of 1768, and of limits of 1777 confirmed, in declaring that Spain should hold the South American territories which she had so far occupied. This occupation was pointed out by that historical map, and it could not be otherwise, because the Jesuitic Republic possessed, by Spain, the now disputed territory, and defended with the arms its frontiers against the *mamelucos* of Portugal.

If the map of the Courts was not to guide the operation upon the ground, why did the demarcators refer to it in their records? Why did they solemnly assert, that the river adopted as a basis of the limit did not conform with the indications of that map? This argument seems to me definite after the citation of the judicial precedent.

The learned and well-meditated allegation of the fluvial chancery was triumphantly refuted on this point, in a few words.

The demarcation of 1788 gave results entirely contrary to that of 1759, and the Imperial government recognizes it, while trying, unsuccessfully, to pall them.

To demonstrate the uncertainty with which the Portuguese demarcators upheld the *Pepiri Mini*, it will be sufficient for me to remember that this limit being categorically rejected by their Spanish colleagues, they all agreed to look for the true river *above from the Uruguay Pitá*, and with such object in view they made to great explorations; and having been convinced that the demarcation of 1759 was erroneous, and in view of the hydrographical accidents of the line of the Péquiri Guazú and Oyarvide's San Antonio Guazú (presently Jangada, of the Brazilians), which coincided with the treaties, they refused to finish up the operation, and asked the Courts for instructions. These antecedents carry the acquiescence of the same Portuguese demarcators in the rejection of the rivers of 1759 and a tacit admission of their wrong.

There has been published in Madrid a work which sheds a new impartial and authorized light upon the demarcation of 1788 and 1791. Being edited in 1891, it discloses in a definite manner what happened in that international operation one century after its failure.

The daughter of the Brigadier of the Spanish navy, Don Diego de Alvear y Ponce de León, octogenarian, but possessed of a courageous character and robust health, has compiled the authentic data about the services rendered

by her worthy father to the King, in Spain, upon the seas, and in South America. The distinguished writer Señor Fernandez Duro, speaks favorably of the book of Doña Sabina de Alvear y Ward, in the *Revista de la Real Academia de la Historia* of Madrid.

The pious daughter of the first commissioner of Spain's second party for the demarcation of the limits with Portugal, has examined and carefully scrutinized numerous and particular documents from the public archives and from the papers of her father about that much discussed operation. Her conclusions, entirely favorable to the Argentine Republic, are as follows:

As a beginning of the operation, and to cut short distances, the commissioners decided to make an excursion of ten leagues through the mountains of *Nicara Guazú* which led them to the border of the Uruguay opposite the mouth of the *Pepiri Mini*, or a small Pepiri, as it was called to be distinguished from the *Pepiri Guazú* (or large) which had been lately discovered, the former being the one pointed out erroneously on the chart by the Portuguese astronomer on his first survey, which error, detected by Don José Varela, was rectified in a second survey with more extensive knowledge; *the results being that they found the river which truly conformed, with accuracy, with the signs with which both Courts had pointed it out to the old demarcators of 1759.* But Colonel Roscio, being reluctant to give up the small Pepiri without a new survey, Alvear consented, on condition that the large Pepiri, which was the most interesting for the Spaniards, should be surveyed at the same time; for it would be the guide for the boundary limit if, as it was expected, they should find near its end the waters of another river running in a northerly direction, to pour them into *Iguazú* or *Grande de Curitiba*, according to V Article of the treaty; *and it was done so, in effect, without any favorable result for the demarcation as far as the former was concerned, and as to the latter, the fullest confirmation of its being what it was believed to be, was obtained.* Both surveys were made upwards, and with the same obstacles and difficulties, enormous labor and sicknesses, which have been before mentioned.

The great Pepiri Guazú disclosed its looked-for source on the fourteenth day of June, seventeen hundred and ninety-one, at 26° 43' latitude, originating in a considerable marsh formed from the falls of a mountain, not as high as those which surround it; and the Portuguese geographer Francisco Diaz Changas, supposing that the expedition was ended by this discovery, left with his people without listening to Oyarvide's reasoning, urging the necessity of continuing the survey in the hopes of finding the river which would complete the line

in a northerly direction. Nothing could detain him; but the valiant and audacious Spaniard, bent on his purpose of accomplishing the positive instructions of his chief, did not get discouraged by the abandonment in which he had been left alone in the highest altitude of the mountains, surrounded by numerous ranches of Indians whose fires could be easily seen in the woods, who had dared to surprise and kill several Spaniards who were sleeping on the other side; nor by the excessive fatigues consequent upon such a long undertaking, which was already telling on his spirit, owing to the many difficulties he had met; but, on the contrary, in his conviction of the importance of enlightening the point which had been so variously discussed by the commissioners, he persisted in his investigations, and that very day he obtained the prize of his perseverance by finding the source of another river, not less rich in water, which ran right straight to the North through the asperities and impenetrable brakes; but he could hardly walk two leagues following the course of the river which, by his calculations and observations, he confirmed his impression that the said river's course was towards the Grande Curitiba which had been surveyed by the same party some years previous. But it being impossible for him, owing to the lack of means and the hungry, dilapidated condition of his men, to continue the laborious task, he reluctantly went back to the spring, and following the ancient custom to carve on trees texts of the Holy Scriptures, he engraved on the *Timboybatú* tree (following the custom or rule anciently practiced of marking with opportune texts of the Holy Scriptures the places by which they went and the discoveries which they made), the following inscription, applicable to his situation: *Inquirere et investigare pessimam occupationem Deus dedit hominibus.* (Inquire and investigate is the worst occupation that God has given to man.) San Antonio Guazú, on the seventeenth day of June, seventeen hundred and ninety-one.

The river Pequiri, or Pepiri Guazú, so called both ways, which in *Guarani* language means *small fishes*, has this name from the first demarcators by the great number of those little animals which filled their canoes, which invasion has repeated itself in latter days. It runs from its source eleven leagues westward and at 40° four leagues to the Northwest, and fifteen to the Southwest through thick bushes of enormous pine trees, on almost the entire mountain whence it comes; it flows into the Uruguay at 27° 9'. It is very large, and although thirty leagues long in a straight line, it washes an extension of more than sixty leagues by the many accidents of its course.

This river, and the San Antonio Guazú just mentioned,

were one of the two most controvertible points between the commissioners. Carrying the line through them, *as properly held by the Spaniards, already authorized by the Court of Madrid, which was perfectly in accord with that of Lisbon*, the limits would retrograde from sixteen to eighteen leagues to the East, through a large space of ground. The Portuguese refused to recede, affirming that they had received no such orders from their government, and without demarcating (new survey) the lines of the San Antonio, upon which there was no more doubt, they tried hard to survey the heights of the Paraná, which ran very far, which was the other point of contention, from the start, on the other end of the line.

For the rest, it would seem useless to discuss topographical descriptions, when the parties do not go through the scene, in order to verify doubts upon the ground. That which was realized from 1885 to 1890 by international commissions, has closed the debate, giving the right to the Argentine Republic.

In the second feature of its *Counter Memorandum*, the Government of Rio discusses the value of the treaty of 1777, alleging its nullity. Its conclusions are as follows :

“ Although the Spanish government, accepting and sustaining the ideas of its commissioners, would desire the frontier plainly and solemnly agreed upon according to their decision, the consent of Portugal would have been indispensable. But there was no consent. Therefore, the frontier stipulated in 1750 and confirmed in 1777, subsisted until the annulment of the treaty of this date as a sequel to the war of 1801.

“ This cancellation went on owing to the following events War of 1808. Transfer of the Spanish Crown to Napoleon the first, and afterwards to his brother. Independence of the United Provinces of River Plata, without first renewing the treaty of 1777, or making a new one in its place. Acknowledgement of the independence of those provinces by Portugal, without renewing the same treaty or making another in accordance with the new state of things. Independence of Brazil, proclaimed when the question of limits between Portugal and the said Provinces was still undecided.”

The Brazilian government invoked, for the first time in the debate, the nullity of the treaty of 1777. This argument, at variance with the precedents recognized or accepted by the Imperial chancery, discloses once more the hesitancy and lack of foundation of the claims it supports.

Counsellor Paranhos in his *Memorandum* of 1857, and Baron de Araujo Gondim in his of 1882, did accept, categorically, the validity of the treaty of 1777 as a basis for debate. It is not possible to remove that obstacle firmly fastened on the road to the negotiations. This simple recollection precludes the necessity of a demonstration in regard to the permanence of a treaty

governing territorial domains guaranteed, in its reciprocal integrity, by another special pact.

The point was carefully gone through in the Argentine *Memorandum* of 1852 : but I will say a few words about the arguments presented through Baron de Alencar, based upon the transient or definite modifications undergone by the Spanish dominions at the beginning of the present century.

The war of 1801 did not annul the treaty of guarantee of 1668, nor that on limits. The sovereignties turned out intact, and with the same jurisdiction in America which they had stipulated before in those pacts. Its continuation, therefore, admitted of no discussion, and did not need confirmation by any document, because the Courts did not refer in any official act to their nullity, nor did they modify that frontier.

The modifications of political sovereignty which took place during the war with France in 1808, as well as the declarations of independence were subject to the corresponding limits of both crowns, and their treaties indicate the extent of each dominion upon that criterion. Bonaparte, like the free governments of America, appropriated everything that had been governed by the Metropolis. Not only pacts were transferred to the new governments, but also pending demarcations which they had to clear up and conclude.

But the treaty of 1777 and its ratification and guarantee of 1778 do not give a law of American public right to Brazil and the Argentine Republic only. Portugal and Spain divided between themselves South America, and after the emancipation, Brazil was contiguous with the new nationalities from the Orinoco river to the Andes, and from their declivities to the Plata. Thus the Guayanas, Venezuela, Colombia, Peru, Bolivia, Paraguay, Estado Oriental, and the Argentine Republic have discussed on limits with Portugal's succession. The uniform criterion of Spain's heirs was the Metropolitan Public Right, emanating from the treaties between both mother countries, and consequently, Spanish-American diplomacy has not ceased to uphold the treaty of 1777, and invoke the same against the advances of Brazil, as the latter has repeatedly done whenever favorable to its territorial positions.

In order not to stop to illustrate the feature of the debate, but with solemn examples of those countries nearest to the Rio de la Plata, or closely bound to it, I will recapitulate the antecedents of Peru, Bolivia, Paraguay and Estado Oriental.

Peru has, in fact, defended itself with the treaty of 1777 against Brazil and Bolivia, and that document has governed their agreements upon limits.

Don Mariano Felipe Paz Soldan, in a book edited in Lima, 1878, under the title of *Verdaderos límites entre el Peru y Bolivia*, says :

“ To fix these limits it is necessary to remember the international principle recognized in America that: When a nation is divided into two or more sections, the treaties in force at the time of the separation are binding for every one of the parties in the proportion and to the extent which belongs to the same. In this manner, every one of the Republics bordering Brazil must comply with the treaty of 1777 in the corresponding proportion of its own frontier.”



In accordance with this principle, the treaties on limits and navigation of 1851, between Peru and Brazil, were negotiated and signed. During the debates to determine the frontier between Bolivia and Brazil, the line agreed upon was unfavorable to Peru, which hastened to protest, placing its rights under the treaty of 1777.

Bolivia affords similar precedents in its long suits with Brazil upon territories.

In 1834, General Armaza, in behalf of Bolivia, opened negotiations, proposing to the Emperor as a primary basis of the treaty on limits, that of San Ildefonso of the first day of October, one thousand seven hundred and seventy-seven, and whereas this initiative, by literary errors, deserved criticism at the hands of some Bolivian writer, the governments of this Republic were consistent with that fundamental principle.

In 1837, Brazil was in accord with such attitude, for the diplomatic representative of the Empire in Peru and Bolivia, Señor Duarte da Ponte Ribeiro, demanded, in October of the same year, the extradition of the several criminals sheltered upon the Bolivian territory, on the strength of the treaty of 1777, just as Counsellor Paranhos did, later on, from 1856 to 1859, in Rio de la Plata. This long question of limits, during which Brazil upheld and refused to recognize, alternately, the validity of the treaty of 1777, ended by an agreement with Bolivia's governing leader.

During the negotiations between Brazil and Paraguay, from 1855 to 1856, the validity of the treaties between Spain and Portugal was contested by the chancery of the former state above named.

The speakers were, for Paraguay, its Minister of Foreign Relations, Dr. Don José Borges, especially accredited at Rio de Janeiro, and for the Empire, the illustrious diplomat, Counsellor da Silva Paranhos.

Brazil, an heir to Portuguese usurpations on different territories of South America, had invoked in solemn debates on limits with New Grenada, Venezuela, Peru and Bolivia, the principle of *uti possidetis*. Paraguay, favored by such principle, invoked it at its turn, and the fluvial diplomacy was momentarily surprised and entangled in its own mesh.

Counsellor Paranhos, who had not yet touched the territorial knot with the Argentine Republic, changed his tactics upon the field, and remembering the treaties of 1750 and 1777, which Brazil rejected when discussing with New Granada, said :

How then, recognize upon the ground, the dominion of one state or the other, on the territory extending beyond their towns and settlements, in the extreme points where substantial proofs of their possession are not found ? The old treaties would afford a plain and evident proof ; and in order to get at this knowledge, the Imperial government understands that it is necessary to resort to that which was acknowledged and signed by the Courts of Spain and Portugal.

To decide the controversy between the dominion of the

Republic and the Empire, it is well to go up to the origin of that dominion, since the last towns and settlements of a nation are not in contact with those of the other, and separated by grounds which, by their nature, or by other causes, are still depopulated.

The Republic of Uruguay could not inherit from its Metropolis a right more extensive than that which the latter possessed; beyond the territory that belonged to Spain, it cannot claim but what it has really taken from the Portuguese dominion, at present Brazilian.

Brazil is in the same case, in relation to the territory which in this part of America did belong to the Crown of Portugal.

Let us see what was Portugal's rights, and what Spain's rights to the now disputed territory between the Empire and the Republic. This examination clears up the question, and decides the same with the utmost evidence.

The preliminary treaty on limits of the first day of October, one thousand seven hundred and seventy-seven, described the outside part of the frontier in VIII and IX Articles, in which are transcripts of V and VI Articles of the treaty of the thirteenth day of June, one thousand seven hundred and fifty, with some explanations indicated by the surveys made by the demarcators of this last treaty.

Finally I will state, that in the treaty of the fourth day of October, one thousand eight hundred and forty-four, celebrated between the governments of Brazil and Paraguay, which was not ratified for other reasons, the Imperial diplomacy had accepted XXXV Article, reading:

“The high contracting parties bind themselves to appoint commissioners to examine and recognize the limits pointed out by the treaty of San Ildefonso of 1777, so that the definite limits between both states shall be established accordingly.”

The demarcated limits after the fall of Rosas, between the Empire and the Republica Oriental del Uruguay, did not follow up the lines, as given by the treaty of 1777, because that demarcation, made under abnormal circumstances, was rather a consequence of the war, than a regular free convention on the part of the country, weak and bled, which accepted its neighbor's claims; but in Brazil the opinion prevails that those limits are based upon the pact under discussion.

Colombia, in discussing its limits with Brazil, declared in a note dated the twenty-seventh day of March, one thousand eight hundred and sixty-eight, that the treaties celebrated between Spain and Portugal, at Madrid and at San Ildefonso, on the thirteenth day of January, one thousand seven

hundred and fifty, and on the first day of October, one thousand seven hundred and seventy-seven, which, "by the said reasons it believes to be unquestionably in force, as far as the part in reference to Colombia is concerned," are the only basis it admits for the adjustment of its limits with Brazil.

During the transcendent debate originated at Rio de Janeiro by the treaty Zeballos-Bocayuva, the statesmen and ex-ministers of the Empire, who took part in it, accepted without reserve the validity of the treaty of 1777, denied in the *Counter Memorandum* introduced by Baron de Alencar; and the special committee appointed by the House of Representatives to pass upon that treaty, condensed those definite opinions, saying:

"VIII Article of the treaty of 1777 is in full force, because the Argentine Republic does accept it; because the Brazilian government, though denying its absolute validity, accepts it on this point, and finally, because the cancelled treaties may be renewed and re-established by mutual consent, tacitly or expressed, of the contracting or accepting parties, and Brazil and the Argentine Republic have more than once so declared by public document; and, furthermore, that the treaty of I Article of 1777, known as the treaty of San Ildefonso, never ceased to be valid, by virtue of which it has always upheld it; the first treaty which, while it has been considered as null, is admitted to settle the question of limits according to VIII Article."

In my own judgment the effectiveness of that solemn fact between the two crowns is vindicated; it was, perhaps, the most transcendent solution of limits signed in the history of mankind, because it has been the guide in the fixation of the frontiers of all South American nations, except Chili.

Brazil cannot deny it now, having invoked it before in its questions on limits with all the countries of Rio de la Plata; and the insinuation in that sense contained in the *Counter Memorandum* of Rio de Janeiro, introduced by Baron de Alencar, would be productive, if admitted, of irretrievable consequences for Brazil. Does it not pretend, in fact, to resolve to its favor the Misiones suit, exhuming vigorously the erroneous demarcation of 1759? Well, then? It was the application of the treaty of 1750, so favorable to Argentine rights, as the latter of San Ildefonso. If the treaty is null, according to Brazilian claim, would its immediate consequence, its limit on the ground, the demarcation of 1759, be valid?

That carefully prepared document has no better luck in its argument about the *uti possidetis*. Dr. Irigoyen in categorical utterances, which I have transcribed, demonstrates the inapplicability of this criterion. However, it is important to know if Portugal or Brazil ever did possess the disputed territory.

The fluvial diplomacy will never show the necessary facts on which to found the *uti possidetis*, or to cause that the invocation thereof may be considered as a capital reason, favorable to the claims upon the territory comprised between both *Pepiri*, because, as a matter of fact, Portugal or its heir, never possessed such regions.

The advances of the Portuguese authorities in Rio de la Plata, protested against, resisted and checked by Spain by the force of arms, are subsequent to the war of 1801, and the very Brazilian writers, in upholding the validity of these usurpations, invoke the right of victory, which was not sanctioned in the pact of Badajoz, fundamental law of the consequences of those hostilities. But the argument is useless for Brazil because it excludes all possession prior to 1801.

Even on supposition that the usurpations above referred to had the character of regularized facts, they lack force in public right ; for the treaty of Badajoz, which put an end to the war of 1801, confirmed in its III Article the pre-existing limits between both crowns, except the town of Olivenza, of whose alteration in the treaty of San Ildefonso special mention was made.

For the rest, Venezuela, New Granada, Peru, Bolivia and the Argentine Republic, have successfully rejected from their frontiers the invasion brought under the banner of the *uti possidetis*, and Brazil itself was obliged to haul down its colors of diplomatic struggle in its territorial questions with Paraguay. It is, therefore, demonstrated, that the *uti possidetis* has not been incorporated in the South American Public Right as a peace-making principle in conflicts upon territories subject, from their origin, to divers European sovereignties.

## X

The note of the thirtieth day of December, one thousand eight hundred and eighty-four, with which Baron de Alencar introduced the extensive, elaborate document which I have just examined, closes, however, showing a deep reaction in the Imperial policy. In fact, it abandons Baron de Cotegipe's inspirations which kept the bonfire of mutual fears burning, and is bent on the frank and brotherly tendencies of the orators of the Rio Grande, who, speaking incidentally of the matter of limits in the Parliament at Rio, asked for a resolute action under the auspices of mutual good will of both nations.

Dr. Irigoyen, as has been seen, had intended in 1876 to make a preliminary study of the ground, that might clear up the doubts suggested by the ill-fated demarcations of last century, and facilitate, at the same time, diplomatic action. Baron de Cotegipe's conciliating suggestions being peremptorily rejected, he takes it up again eight years after, and proposes the same to the Emperor. Baron de Alencar closes the above named note in the following terms :

“ In the meantime, the Imperial government, convinced of Brazil's rights to the frontier it defends, and knowing the good faith with which the Argentine government resists it, on its part, and with the assurance that both powers profess the most sincere and cordial desire to resolve the question in accordance with the principles of justice, looking after their respective rights, and

‘Whereas, neither the rivers in question, nor the disputed zone comprised between them, were ever surveyed either by Brazilians or Argentines, with a view to undertake by themselves the surveys made by Spaniards and Portuguese in the last century ;

“Whereas, from the survey made jointly and by common accord, more light will be shed upon the question ;

“And wishing, on his part, to give a further token of his feelings, and conscious of his right, he has resolved to propose to the Argentine government, as he does hereby propose, that both governments shall appoint a joint commission, composed of competent persons, in like number, to survey the four rivers, Pepiri Guazú, San Antonio, Chapecó and Chopin, which the Argentine government calls Pequiri Guazú, and San Antonio Guazú, and the zone comprised between the same, raising an accurate plan of the rivers and all the disputed zone ; which idea, on the other hand, was substantially suggested to the Imperial government by Dr. Irigoyen in 1876.”

Baron de Alencar introduced with his note an element of discord. He speaks, in fact, for the first time, of the river *Chopin* which is not one of the four rivers of the secular question, but a fifth stream of water sketched on the most ancient charts, for instance, those of Cabrer and Requena ; but which was not even recorded by the demarcations of 1750 nor by those of 1791. This course of water, whose name was unknown to the old demarcators, and was not surveyed, and is called by modern Brazilian geographers *Chopin*, could not be mistaken by the extreme rivers, or of limit ; for instead of bordering the contested territory towards the East or the West upon the Iguazú, it is in the interior of the same.

Baron de Alencar, in adopting it as the confluent of the Pequiri Guazú (*Chapecó*, on the modern Brazilian charts), laid a trap to the capableness of the Argentine chancery. The success would amount to the Empire the decrease, in its favor, of the area of the ground in dispute, situating further west the true eastern limit sought after by our country on the river *San Antonio Guazú de Oyarvide*, now called *Jungada* in Brazil.

Although it is hard to tell, the fairness of the debate demands it. Baron de Alencar obtained an easy victory over the Argentine chancery, which gave up the river that caused so much fatigue to the celebrated Spanish geographer already mentioned, and which was the base of his renown ; to introduce into the secular dispute a fifth river : the *Chopin*. In fact, the Minister of Foreign Relations of the Republic replied six months after, on the twenty-second day of June 1885, to the Brazilian note, as follows :

“In view of these antecedents, the proposal which Your Excellency has been pleased to make, in the name of the Imperial government, that a joint committee shall be ap-

pointed by both governments, composed of competent persons, in like number, to survey the four rivers *Pepiri-Guazú*, *San Antonio*, *Chapécó* and *Chopin*, which the Argentine government calls *Pepiri-Guazú* and *San Antonio*, and the zone comprised between them, raising an accurate chart of the rivers and the zone in dispute, cannot but be accepted, as it is accepted, by the Argentine government, as a consequence of its former opinions, and as a just condescension to the wishes expressed by the Imperial government.

I have only to state to Your Excellency, that I place myself at his command, to prepare in verbal conferences the most convenient form to be given to the intended pact, and the instructions to be sent to the commissioners appointed.

In requesting Your Excellency, by order of the President, to convey to the knowledge of the Imperial government the preceding information, I take pleasure in expressing my gratitude towards Your Excellency for his effective intervention to arrive at this preliminary understanding, which leads to a final termination of such a long and difficult question, and which will bind forever the ties of friendship and concord between Brazil and the Argentine Republic, whose mutual interest consists in developing their elements of prosperity and wealth under the shield of peace."

In September of the same year, the treaty was signed at Buenos Aires by the Argentine plenipotentiary Dr. Ortiz, and by Brazilian plenipotentiary Baron Leonel de Alencar. It was the first agreement of will ratified between both nations after a debate of one century's duration. The opinion, predisposed to pass judgment on it in the Argentine Republic, did not attach much importance to it, nor any effectual object after the failures of similar attempts in 1759 and 1791. It was a dilatory form adopted by Brazil, which injured us by the blunder of admitting the river *Chopin* as one of the sides of the Quadrilateral of the territory in debate. The affirmation of II Article that the Argentines called said stream of water *San Antonio Guazú*, was erroneous, in fact.

The treaty provided :

I Article.—Each of the high contracting parties shall appoint a commission composed of head commissioner, one second, and one third commissioner and three assistants.

In cases of incapability or death, if no other resolution is taken, the first shall be substituted by the second commissioner, and this by the third. Each of the commissions can have, at the respective government's will, the necessary personnel for its private service, as the physician or any other; and both commissions shall be accompanied by military force of an equal number of men, headed by officers of similar or corresponding rank.

II Article.—It will be the duty of the joint committee constituted by the two commissions aforesaid, to survey, in conformity with instructions in connection with this treaty, the rivers *Pepiri Guazú* and *San Antonio* and the two rivers situated east of them, *known in Brasil by the names of Chapecó and Chopin*, and which the Argentines call *Pequiri Guazú* and *San Antonio Guazú*, as well as the territory comprised between the four.

III Article.—Both commission; shall meet at *Montevideo*, to agree upon the starting point or points of their labors, or on anything else that may be necessary.

IV Article.—They shall raise in common, and in duplicate, the plans of the four rivers, of the territory that separates them, and of the part of the rivers covering that territory from north to south; and shall present to their governments, with the said plans, identical statements containing everything that may be of interest to the question of limits.

V Article.—In view of these statements and plans, both high contracting parties shall try to resolve that question in an amicable way, by a definite and perpetual treaty, which no event, either of peace or war, shall annul or suspend.

## XI

While Baron de Alencar was engaged at Buenos Ayres in the arrangement about the survey, Señor Dominguez left the legation at Rio de Janeiro, where he rendered valuable services to the Republic, which public convenience has kept secret up to the present time.

He was succeeded by Dr. Don Vicente G. Quesada, specially capable to treat our great questions of limits. His books on the Chilian-Argentine frontier, and the series of articles devoted to the diplomatic questions of Brazil with Rio de la Plata, in *la Nueva Revista de Buenos Ayres*, gave to his appointment a special significance which was discussed by the Press of Rio de Janeiro and Rio de la Plata. But Dr. Quesada had made in those articles expressed declarations in favor of peace, and hinted at conciliatory solutions of the old hereditary suits. For him the question was one of debate and diplomatic negotiations, and not of explosion of arms.

When in 1884 he took possession of his high post in the fluviatric Court, the question of Misiones was pending upon Brazil's attitude after the Argentine *Counter Memorandum*, and upon his proposal for a final settlement. Dr. Quesada had, consequently, no instructions to treat the question of limits in a positive manner. The Argentine government, not knowing what stand would take the Empire in the matter, as it was, could only suggest to its plenipotentiary a policy of observation and expectation.

Ever since his arrival at the Court, he inquired about the opinion of the influential men as to a friendly solution of the question of limits, and communicated his observations to the government in a confidential note of the seventeenth day of November, of the year aforesaid. Dr. Quesada's influence made itself felt in the form of intimate suggestions within the circle of his private relations, which, by the way, comprised high and influential dignitaries of the state; and his fundamental idea of suppressing pretexts for incessant fears in the policy of both nations paved the road within the government.

He was asked for concrete forms; but he had none, and had, furthermore, no instructions from his government to give them. His action was simply bent upon smoothing down asperities, to unfold, with skill and good taste, horizons of common promises, and to stimulate concord and solution. He, at times, advanced some ideas for a feasible settlement, but he did so, prudently avoiding to compromise his official character.

He was presented in the latter part of 1884, by the Minister of Foreign Relations of the Empire, some basis for a direct adjustment, or compromise. Dr. Quesada took the paper with some surprise, because he did not expect that the conciliatory ideas would meet with so much favor in an atmosphere, where the Argentines were ably and systematically represented as being entirely unaccommodating.

The Argentine minister took the paper, sent it to Buenos Ayres, and in a private letter he asked for instructions, after having examined the document, and suggested the modifications of form or counter proposals which he thought proper.

The Argentine government signed and issued on the fifth day of January, 1885, full powers of attorney, in order that Dr. Quesada might start in earnest the conciliatory negotiation proposed by the Imperial chancellor, to divide the territory of Misiones in an equitable manner, on the basis of submitting to arbitration doubtful points of law, and of agreeing upon a pecuniary indemnification for the loser in that judgment.

The negotiation was interrupted by the Argentine government's calling Dr. Quesada to Buenos Ayres, very much to the regret of the President of the Council of Ministers at Rio de Janeiro. Dr. Quesada promised to return without delay, and, in fact, he only stayed eleven days in the Republic.

Upon his return conferences went on. The Argentine ministry noted at once that the Imperial chancery had been playing a double game. While it presented at Rio the known formula for an immediate compromise, it sought at Buenos Ayres, through Minister Alencar, the postponement of the negotiation, working up the form of the treaty of previous survey of the territory.

The postponement, openly upheld in moments of anxiety for Argentine policy, presented itself now underhandedly, because the prosperity and strength of the Republic after the bloody explosions of 1880 and the friendly solution of the question of limits with Chili compelled the Baron to show the utmost prudence in his relations with the chancery of Buenos Ayres. He probably looked for new agitations, for another civil war, such as the one prophesied to break out by the end of the presidential term, in order to promote settlements with probabilities of heavier gains.



Doctor Quesada thought fit to warn the Argentine government against the double negotiation which Brazil was trying to conclude at the same time in Buenos Ayres and at Rio. The project of the previous survey of the Misiones had in view to explore the Argentine government, and ascertain the interest and firmness which it attached to this question. Its failure might be remedied by a direct settlement promoted in the Court.

The line of procedure which circumstances and the data offered by the Argentine minister at Rio de Janeiro marked out to the chancery in Buenos Ayres, was obvious. The previous survey was to be discussed and resisted, showing its diplomatic uselessness; for so onerous a demarcation could be made after the knot was cut, to raise the landmarks while the region was being explored.

On the other hand, what diplomatic object was there in the previous survey, except the satisfying of purely scientific doubts? Would this survey, over the signature of the commissioners of one or the other country, say that Portugal had committed an error in the last century, to sustain the limit of the rivers below the Uruguay Pitá? Would a contrary result be attained? That would have been like authorizing the surveying parties to clear up the unknown, and resolve the matter; and both nations rejected this proceeding.

There were, therefore, plausible reasons for postponing, in the last resort, the definite answer from the Argentine government, as desired by the Minister at Rio de Janeiro. This decided and reserved attitude of the Chancery at Buenos Ayres, would have impressed, to be sure, that of Rio, amid whose firmness and agitations, ably maintained in Parliament and in the Press, was visible a noble purpose not to provoke a conflict with the Argentine Republic.

The success of the direct transaction depended, to a certain extent, upon our own government, and Doctor Quesada could establish the fact that the chances of Baron de Alencar's initiative in Buenos Ayres decreased those of his negotiation at Rio.

The President of the Council of Ministers, Counsellor Dantas, Baron de Cabo Frio, a traditional authority upon the matter, and part of the Ministry did actually agree with Doctor Quesada upon the transaction, and pledged themselves, officially and privately, by acts and words.

The State Council having been convened, the transaction was approved by the majority, and the minority was in favor of the previous survey. The Imperial government, however, did not reply to the counter proposal or modifications suggested by Doctor Quesada in the plans of the Ministry of Foreign Relations, and keeping him in ignorance of the State Council's favorable report, he was told that the government deemed it necessary to reply to the Argentine *Counter Memorandum* before deciding upon the transaction.

When this reply was in the hands of the Argentine government, and the invitation made to Baron de Alencar to stipulate the previous survey was favorably accepted in Buenos Ayres, the government of Rio stopped its march towards the transaction; and the Emperor, having deviated for a moment

from the diplomatic and constitutional practice of his Court, took advantage of a visit of social courtesy of Dr. Quesada, to give the latter, quite suddenly, the reply that the doctor should receive through the Minister of Foreign Relations of the Empire, and which he had been long looking for: about the direct settlement. The Emperor was in favor of the previous survey and left the other negotiation in abeyance. Dr. Quesada made the Argentine government cognizant of this diplomatic parallelism, and with patriotic, reasonable remarks, he said:

Now then, I do not know whether N. N. could have written that the Argentine government will never make a question of territory, and giving hopes to obtain...larger profits if the confidential negotiation with me would be broken up. It may be so, since he alone could inform about the frivolity of the cause for the German Niederlein's separation, owing to what had happened at Campo Eré, saying, that it was not as a satisfaction to the Brazilian claim, but on account of some question in the budget.

It would not be strange that N. has heard the government will never make war for that territory, and that he has counselled to hold firm on the Brazilian claims, pretending that they need that territory in order to have a safe frontier.

.....  
What is the object in the survey of the four rivers? It will be well to determine the aim of the proceeding. It is therefore convenient, before the result shall favor the pretensions of one or the other party, to stipulate the judicial value of that survey, and ascertain their purpose in making it. Quite different solutions may result therefrom which can be foreseen .....

.....  
It is indispensable, before discussing the proposal, to determine, by means of protocols, the objects in view. Otherwise, it is a mere dilatory exception to gain time.

The treaty of previous survey in the known form was soon forthcoming, and Dr. Quesada demanded and obtained the recording of the negotiations for a direct settlement, to which he had been invited by the Empire. I base the foregoing remarks on the said documents.

XII

The commissions of Brazil and the Argentine Republic, presided over by Baron de Capanema and by Colonel José Ignacio Garmendia, respectively, began their operations on the twenty-eighth day of September, 1885, and finished the same on the twenty-fourth day of September, 1891, without a single break in their harmony.

Nothing else could be expected, for the instructions agreed upon by both governments, and which were handed them as a guide for their acts, were apparently strange to the international suit, which they entirely ignored. The joint commissions went to the ground merely to raise a geographical chart. The solutions and the consequences were to be drawn by diplomacy, each party holding the pro and con of its aims.

The diaries, sketches and plans which they drew up with great skill and accuracy and signed, constitute a positive advancement for local geography. The chiefs and officers of the army of the Republic who took part in this exploration, have added to their roll of honor a distinguished service which the Ministry has hastened to appreciate by special decree, communicated to the corresponding department.

Those interesting works will soon be made public in a special edition, and while they have enlightened the governments in regard to the conditions of the soil, they have not been effective to promote the diplomatic question, as was foreseen in 1884 and 1885 by the Minister at Rio de Janeiro, Dr. Quesada.

I must, however, record, as a special merit won by the chancery in charge of Dr. Quirno Costa, and by Colonel Garmendia, the redemption of the error of the treaty of 1885, relative to the admission of the fifth river, called Chopin. The chief of the Argentine commission, with both governments' consent, carried the survey up to the true river, the Oyarvide's San Antonio Guazú.

In the report signed by both commissions in 1891, informing their respective governments that the surveys had been finished, only one diplomatic point is raised, that of the Chopin. Says the report :

The Argentine commissioners, considering that their work would not be complete without the survey of the *Oyarvide's San Antonio Guazú* or *Jangada*, whose main source at short distance conforms with that of the *Pequiri Guazú*, insisted upon demanding the survey of that river, as they supposed it to be the true San Antonio Guazú, pointed out in the instructions, and not the Chopin, which erroneously takes the place of the former in the treaty of the twenty-eight day of September, 1885, because this had never been known nor surveyed by Oyarvide, and is not even mentioned in his Memoir. The Brazilian admitted that the ends of the river, which Oyarvide named *San Antonio Guazú*, are those of the river known in

Brazil under the name of *Jangada*, but they supposed that they could not acquiesce in this demand because no mention was made of this river in the said treaty; neither could they admit that the interpretation of VII Article of the instructions accompanying that treaty, in which the commissioners are directed to be guided by Oyarvide's works, would be construed as an obligation of raising the plan of a river, of which Oyarvide only mentions the ends; so much so, that said survey required, as a matter of course, the survey of the *Iguazú* from the mouth of the Chopin or San Antonio Guazú to the mouth of the *Jangada*, or Oyarvide's San Antonio Guazú. They thought, besides, that they complied with the provision of the said article of the instructions by the common survey of the ends of the *Jangada* or Oyarvide's San Antonio Guazú. Owing to this, the Brazilian commissioners did not admit other works in common without an express order from their government, and surveyed a few more kilometers, and the Argentines and their officers went on surveying more extensively.

This divergence was brought to the knowledge of the respective governments in the form of XIII Article of the instructions.

The governments finding, subsequently, that the Argentine commissioners were right in their demands, resolved that the head commissioners of both commissions should order the survey of this river to be made, and they appointed the third assistant lieutenant of the navy, Vicente E. Montes, on the part of the Argentine Republic, and engineer Emilio Odebrech, on the part of Brazil; and they finished their labor in November of 1888.

Other specific benefits were derived by the Argentine Republic from the skillfulness with which Colonel Garmendia and his colleagues superintended and executed the third international survey of Misiones.

The treaty of 1885 having been accepted rather coolly by the most pre-disposed diplomats of the Republic, their idea was not less disagreeable to the statesmen of the Empire, who had treated this matter thoroughly.

The truth is that a most accurate geographical survey, as against the map of the courts and the instructions of 1750, would confirm certain facts already established by the party of Alvear.

Such results were foreseen and feared by prominent diplomats of the Empire. When in 1876 the Minister of Foreign Relations, Dr. Don Bernardo de Irigoyen, proposed the previous survey, Baron de Cotegipe, in his instructions to the Minister of Brazil in the Estado Oriental, Baron Aguiar d'Andrada, who treated privately with Dr. Irigoyen the analyzed negotiation, said in July, 1876:

“We do not advance one step, and are yet entangled in the preposterous idea of a new survey as a rectification of the

former ones; and, consequently, subject to the contingencies of renewed pretensions, already impugned by the Portuguese demarcation and by ourselves. The risk attendant upon this new survey will always exist, no matter what the wording of the article of the treaty may be, if the line of demarcation is not expressly specified."

It might not be out of place to add, that the dilatory proceeding planned in 1876 by Dr. Irigoyen, was an able initiative intended to give the Republic ample time to recover from a disastrous situation, and to clear up its unsafe horizons towards the Andes. Baron de Cotegeipe reckoned with tact, and refused the proposition, increasing our anxieties in that unfortunate time.

Colonel Dionisio de Castro Cerqueira, third commissioner of the Brazilian Commission of Limits, who accompanied and counselled in Montevideo Minister Bocayuva, under the title of Chief, ad interim, of that commission, wrote to the *Jornal do Commercio* of Rio de Janeiro on the nineteenth day of July, 1891 :

"The joint commission of limits, after the work of my distinguished and esteemed friends, Commissioners Guillobel and Virasoro, had declared in official documents *that the true* San Antonio Guazú of the Spanish geographer Oyarvide is the Jangada and not the Chopin. By the surveys of these distinguished professors it was proven that the nearest river to the Chapecó, named by the Spaniards yesterday, and by the Argentines to-day, Pequiri Guazú, and which runs towards the Iguazú, is the Jangada.

Subsequently, by very minute works of demarcation and survey made under the same close direction and that of my colleague, Virasoro, and executed by the assistants, Jardin, Rego Barros, Montes and Dousset, where we drew level curves throughout the zone to demonstrate the *divortia aquarum*, it was demonstrated beyond question, that the Jangada is not only the nearest river to the Chapecó, which runs towards the Iguazú, but that it is also its confluent.

In a similar manner in which this was proven, it also turned out from the works undertaken with equal carefulness on the zone comprised between the ends of the Pepiri Guazú and the San Antonio; the conviction that this river was not the nearest to that which runs towards the Iguazú, nor its confluent."

It is important to confirm the affirmations of the demarcators of the second epoch, according to which in the system of the rivers of the demarcation of 1759, cancelled in 1777, did not concur the requirements of the instructions.

The international surveys from 1885 to 1891 demonstrated that the con-

fluent of the western San Antonio, or that of 1759, was not the Pepiri or Pequiri pointed out as the *Indian*, which flows below from the Uruguay Pitá, but a third river which, far from running as the other one to flow into the Uruguay, is an affluent of the Paraná. Col. de Castro y Cerqueira explains it very distinctly in these terms :

The boundary line of the waters flowing on one side towards the Uruguay, and on the opposite side towards the Iguazú, has its terminal point on the western side, at the principal end of the river Pepiri Guazu. From this point westward, the divisory of the waters bifurcates in such a manner, that the northwestern branch divides the waters running towards the Iguazú from those running towards affluents of the Paraná; and the southwestern branch divides the waters running towards the affluents of the Paraná from those going towards the affluents of the Uruguay.

I hold that nobody, no matter how learned and authorized he may be, can deny the geographical fact.

This being so as it really is, and can be proven by the works of the commission of limits, we see the San Antonio sprouting at the northern fall of the northwestern branch, running towards the Iguazú, and on the opposite side of the same hill, in an extension of nearly three leagues to the southeast, the numerous ends of the river *Uruguay*, affluent of the Paraná. The opposite fall to that in which the San Antonio originates, furnishes water only for the Paraná; and therefore, the confluent of the San Antonio is the river *Uruguay* and not the Pepiri Guazú, the confluent of which are another river named Capanema, having with it common sources, and runs on the opposite fall, which is that of the Iguazú, and the river *Uruguay* coming from the opposite fall, and furnishing waters to the Paraná.

It being demonstrated by the unanimous authority of the Argentine and Brazilian surveyors, that in the system of the rivers claimed by them as the international limit, that is to say, the *western rivers*, do not concur the corresponding physical features of the falls, nor that one was the confluent of the other, as the treaties called for, as well as the map of the demarcation and the instructions of the Courts, it is evident and out of discussion, that those are not the streams of water described as boundary line, and which may be looked for further east.

On the contrary, all descriptions agree with the physical features found in the system of the eastern rivers, or maintained by the Argentine Republic in the exercise of a right inherited from Portugal. Let us hear Colonel Castro Cerqueira once more :

Let us refer to the *Jangada* (Oyarvide's San Antonio Guazú) and to the *Chapécó* (Pepiri Guazú of the Spaniards), also admitting Señor Guillobel's definition.

The line of the fall between the Uruguay and Iguazú, which begins at the ends of the Pepiri Guazú (of 1759), runs the general direction from west to east, dividing the waters of both falls, after dividing those running towards the Chopin from those which flow into the Chapécó, passes between the ends of the latter and of the Jangada, as it is pointed out in all maps, so that the various ends of the latter are opposite others of the Chapécó, some of them having their source even in the same basin. All these ends of the *Jangada* originate in the fall of the *Iguazú*, and those of the Chapécó in the opposite fall. Consequently, the Chapécó is the confluent of the Jangada.

Such has also been the opinion of the Spanish geographers Alvear, Oyarvide, Azara, Cerviño, Requena and other prominent defenders of the rights of Spain to the limits by this system of rivers.

Not less propitious for the Argentine argument is the result of the examination of other features offered by the instructions and by the map of the Courts, to individualize the rivers of the limit, which may be seen at great length in the official publication which is being prepared.

### XIII

In June, 1885, Señor Quesada was succeeded at Rio de Janeiro by the Argentine minister at Montevideo, Señor Enrique B. Moreno.

In view of what happened during Doctor Quesada's mission, the Argentine government had assumed a serious attitude, which it desired to make known to the Imperial chancery through its new envoy.

The Argentine government was not in a hurry to sign treaties, and declared at once any negotiation at Rio de Janeiro as closed and unacceptable. If H. M. Don Pedro's government wished to reopen discussion with a view towards settlement, it had to do it at Buenos Ayres, and through its plenipotentiary. All proposition made to the Argentine minister at Rio, Señor Moreno, must be refused by him, and invite the Imperial government to send instructions to its agent in the Argentine Republic.

This reserved and serious attitude of the Argentine chancery, just at the time when a new Envoy Extraordinary was being accredited, precluded the repetition of incidents such as the one of initiatives of Minister Don Pedro Luis communicated to Señor Dominguez, and those of Counsellor Dantas to Doctor Quesada.

These were the instructions given to Señor Moreno :

The discussion between the Republic and the Empire upon the boundary line of the territory of Misiones being located in this capital, it is convenient that Minister Moreno shall not mind it, and in case he should be invited to confer upon the same, to decline all intervention, confining himself to state that, pending the discussion at Buenos Ayres, his government has not given him any instructions upon the subject, and that any proposal that the Imperial government may be pleased to make, it can do so, as heretofore, through its plenipotentiary.

Since 1887 things remained at a standstill, and only a proposal for an international disarmament, presented by Señor Moreno to the Argentine government was made; and the resolution of the latter, not to offer proposals to Brazil, was observed by its new diplomatic agent up to 1889.

In July of the same year Señor Moreno wrote to Minister Señor Quirno Costa hinting that, in his judgment, it was opportune to open negotiations to close up the missionary question; and Dr. Quirno Costa replied, maintaining the expectant attitude already agreed upon, without prejudice to a hearing of propositions. He said in his confidential note of the tenth day of July, 1888:

Your Excellency's interesting data make us appreciate men and the things of the Empire, believing, as Your Excellency does, that this is the opportunity to give our old question of limits a definite solution. The Argentine government will not delay it in this sense; but Minister Alencar has made no overtures in that direction, and I believe that we must await the insinuations of that government; although Your Excellency cannot excuse himself to make known that it is our desire to finish the suit without further delay, and even to resolve it with the Empire, without resorting to third parties.

On the twenty-second day of February, 1889, Señor Moreno asked for authority to discuss a form of settlement, which the Imperial chancery might propose upon the following basis:

I Article.—It is resolved on principle, that the boundary line is the geographical meridian.

II Article.—An umpire shall decide, which is the territory in dispute.

The last part referred to the debate provoked by the pact of 1885, whether the contested territory extended as far as the Chopin, or as far as Oyarvide's San Antonio Guazú, was a doubt which both chanceries discussed at the time.



The Argentine government persisted in its reserved attitude, and directed Señor Moreno not to proceed in the sense of that indication.

On the twenty-fifth day of April the Argentine minister telegraphed to Buenos Ayres, insisting on the opening of negotiations. He said :

I just met the Minister Rodrigo da Silva, who wished to have a telegraphic conference with Your Excellency. Your Excellency will please fix the basis for the negotiation that is to be closed very soon. Counsellor Rodrigo will personally confirm all I have said to Your Excellency about the patriotic desire to terminate our old question without delay. Your Excellency will please to appoint the date in accordance with the Telegraph Bureau.

The Argentine minister explains his insistence, and the invitation of the Brazilian chancery to treat the settlement or compromise of the question, in a letter of the same date, confirming the telegram. In fact, in a conference which he had on the twenty-fifth day of April with Señor Rodrigo da Silva, in his office, the latter told him after a prolonged conversation :

Let us sign a compromise that shall contain the following propositions :

FIRST. The negotiations between the Argentine plenipotentiary and the Brazilian plenipotentiary shall be closed within thirty days.

SECOND. Should there be no direct and definite solution found during the said lapse of time, a convention shall be signed on the last day of the stipulated term, and the suit shall be submitted to arbitration.

—I cannot sign that agreement, I replied, because I have no instructions; on the contrary, one of the points we have talked about consists in that the definite negotiation shall be made between you and Doctor Quirno Costa.

—And, said Señor Rodrigo da Silva, wouldn't it be better that he and I should have a telegraphic conference, to gain time? Parliament is about to open, and my most earnest desire is to arrive at an agreement with the Argentine government before starting new parliamentary battles.

—I do not see any inconvenience in that, I replied, and in his presence I wrote out the despatch which heads this letter.

*(Confidential note of the twenty-fifth day of April, 1889.)*

This plain proposition was followed by Señor Rodrigo da Silva's promise to join his Argentine colleague, Señor Quirno Costa, in Montevideo, for which reason the latter sent Señor Moreno a confidential note, reading :

I consider of great importance what Your Excellency communicates to me in regard to Señor Rodrigo da Silva's attitude in the question of Misiones.

The works in connection with the Jangada are finished, and Lieutenant Montes returned to Buenos Ayres, bringing the respective plan of the survey, also signed by the Brazilians.

What Señor Rodrigo da Silva expected has been done, although I do not know whether he wishes the commissions to finish their work before opening negotiations for a definite solution of the question.

An equitable settlement would meet with no opposition by public opinion in this country; far from it, it would be applauded by everybody, regardless of political colors.

I understand that such would be the case with you.

Can it be obtained without resorting to third parties?

I think so, and the government prefers this feeling which shows that both, Argentines and Brazilians, have sufficient prudence to settle our differences ourselves, avoiding unpleasant discussions.

I am happy to see that Señor Rodrigo da Silva has no objection to going to Montevideo, and that we shall meet there, to resolve the old suit; but I think we ought not to take that step without a previous agreement; that is to say, we must not meet, unless we have the assurance that we can arrive at some understanding.

Your Excellency can do much in this direction, co-operating in favor of success: send the indications or suggestions from Minister Rodrigo da Silva, to be taken into consideration here, and transmit ours to Your Excellency in proper time.

However reserved or secret our voyage might be, I do not think that the object of our meeting could be concealed in Montevideo; and if the interview should not result in finishing the question, we would have produced an alarm and an injurious distrust for the friendly relations between both countries. The previous agreement on capital points, at least, is, therefore, indispensable.

Treating directly from Minister to Minister through the wires would amount to a personal conference and the Argentine chancery could accept the form of the negotiation, without prejudice to the judicious political plan followed up in the relations with Brazil. On the other hand, the initiative to attempt the direct settlement came, for the third time, from the fluvial chancery.

Consequently, Doctor Quirno Costa replied under reservations, accepting the negotiation, but insisting upon its withdrawal from Rio. His first telegram, dated the third day of May, 1889, reads:

Upon the basis which Your Excellency transmits to me, proposed by Minister Rodrigo da Silva, he may state to me when we shall meet at Montevideo. Conference stopped through defective lines.

The telegraphic conference did not take place ; but a subsequent telegram from Señor Moreno said that the conference had failed owing to the political crisis which hurt the Rio Cabinet, as it really did.

The Minister of Foreign Relations of Brazil seemed to have given up his intended trip to Montevideo. The Argentine minister said to him by telegraph on the sixth day of May :

Minister Rodrigo says it is impossible for him to leave Brazil. His desire is to adhere to the provisory agreement here, either with Your Excellency telegraphically, or with me, having instructions to send afterwards powers of attorney to Minister Alencar, and sign there definite treaty.

Doctor Quirno Costa did not accept this procedure, as is shown by his reply to Señor Moreno, on the said sixth day of May, in this manner :

Your Excellency's telegram of this date received. Since Minister Rodrigo cannot go to Montevideo, as agreed, that government ought to send instructions to its Minister here for provisory treaty. This does not mean that we may not have before, if necessary, the telegraphic conference.

Minister Señor Moreno acknowledged receipt of this message in a confidential note of the eighth day of May, in which he calls attention to the dangers the Brazilian Cabinet is running. He says :

I received this A. M. Your Excellency's telegram insisting on instructions to be sent to Baron de Alencar even for the provisory agreement, and I shall talk in this sense to Minister Rodrigo and to the President of the Cabinet. I shall be pleased to see that the telegraphic conference between Your Excellency and Counsellor Rodrigo can be effected, for time is short and I am afraid the Cabinet may soon fall, putting off, indefinitely, a solution now pending on a mere detail.

In confidential note of the tenth, Señor Moreno informs that the events have not had the decisive character which he had anticipated, and that the Emperor does not look in a pleasant mood upon the idea of the resignation of João Alfredo's Cabinet, preferring the dissolution of the Houses.

Doctor Quirno Costa replied by the following telegram :

Your Excellency's letters of the eighth and tenth received. Subsequently a telegram from Baron de Capanema was received stating that as soon as the telegraphic lines shall be perfectly arranged, which is also being done here, he will let me know on the eve of the day on which we shall hold the conference at 10 A. M. with Counsellor Rodrigo da Silva. In view of what Your Excellency says in letter of the twenty-fifth day of April, I think that this conference will give satisfactory results, both governments being moved by the best of purposes.

The ministerial crisis passed, but the conference was not realized by Señor Rodrigo da Silva, who had asked for it, and the Argentine Minister, Señor Moreno, went on communicating basis for the settlement which the Counsellor, Minister of Foreign Relations of the Empire, offered him continually. On the eighteenth he addressed to Doctor Quirno Costa a new message :

Without prejudice to the contemplated telegraphic correspondence which shall take place when the lines will permit it, Counsellor Rodrigo suggests that Your Excellency shall fix a date to discuss forms of settlement directly between Your Excellency and His Excellency. If at the expiration of the term no agreement is arrived at, a convention of arbitration shall be signed, the umpire to be an American government that shall be agreed upon. If Your Excellency is satisfied, he may address Señor Rodrigo through this Legation.

In a confidential note of the nineteenth Minister Moreno confirmed, commenting on his dispatch in these terms :

This new proposal of Señor Rodrigo da Silva will have demonstrated to Your Excellency, that the political crisis is over, the present Cabinet having overcome difficulties which seemed at first to be unsurmountable.

The same Counsellor Rodrigo said these words to me :  
"I stay in the Cabinet merely to fulfill my solemn promise to the Argentine government to finish this Misiones question. This will be my political inheritance."

He went on insisting on asking for instructions to negotiate provisorily at Rio, believing it to be possible to close up the business before the probable ministerial crisis, and finally he went over the probabilities and forms of the transaction, saying :

I have hesitated before giving my personal opinion about the proceeding to be pursued, but it is a question which

interests so much the patriotism of all the Argentines, that I trust Your Excellency will take this circumstance into consideration when reading this confidential letter.....

I think there are only two ways to reach a definite result.

The first, and most radical one, is to submit the whole question to the arbitration of an American government (which will be none other but Chili or the United States), reproducing *mutatis mutandis* the terms of the treaty with Paraguay of the third day of February, 1876.

The second one is that which I proposed to Your Excellency in my letter of the twenty-second day of February.\*.....

With a project for a direct settlement the deep feelings of Brazilian patriotism may be smoothed down, and the solution would assume a more noble American aspect.

But how can this thought be shaped?

On the other hand, Your Excellency has told me that he does not favor the initiation of proposals for settlement. That is just the difficulty to which I referred at the beginning of this letter.

I wait for Your Excellency's instructions, and only urge the convenience of hastening this negotiation because I have no faith in the stability of this Cabinet.

The Minister of Foreign Relations of the Argentine Republic, Doctor Quirno Costa, made known his whole plan to Minister Moreno in an official note which the latter had to communicate to Señor Rodrigo da Silva. This is the note, dated the thirty-first day of May, 1889 :

I received Your Excellency's letter of the nineteenth day of May and telegram of the twenty-eighth, by virtue of which, and both governments agreeing upon the proposals contained in Your Excellency's letter of the twenty-fifth day of April, the term for an understanding being ninety days, at the expiration of which to resort to the arbitration of an American government which the parties shall designate.

Alencar did also receive telegram of the twenty-eighth from Minister Rodrigo, saying that after holding conference with me he will send him instructions, and if said conference should be delayed by interruption of the lines, he will proceed just the same. I must state to Your Excellency that the Argentine Republic is convinced of the friendly conduct of Minister Rodrigo, to which it intends to reciprocate through Your Excellency.

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\* See basis on page 707.

The provisorv form for a direct settlement being agreed upon, once signed here, I would, if necessary, go to Rio de Janeiro, so that Your Excellency and I, as plenipotentiaries, with Señor Rodrigo da Silva and somebody else whom his government might appoint, should discuss the direct solution, in which there would be no lack of patriotic inspirations so necessary in statesmen of both countries, so as to leave no cause for future molestation unremoved.

The general ideas of Counsellor Rodrigo da Silva and of his government for the basis of a treaty having been accepted by the Argentine chancery, it was also agreed that this treaty should be negotiated in Buenos Ayres, to which end Baron de Alencar, Brazilian plenipotentiary, had been notified by his superior, from whom he would receive the necessary instructions.

Doctor Quirno Costa communicated those ideas beforehand by telegram of the twenty-fourth day of May, reading :

Designation of an American government as arbitrator accepted, if ninety days after signing convention we do not resolve the question directly.

Your Excellency may communicate to Counsellor Rodrigo, and in view of what Your Excellency said in letter of the twenty-fifth day of April, I do not see difficulties. I expect telegraphic line will be ready on the twenty-fifth day of May. Capanema promised to inform day before the conference. I am waiting.

Brazilian writers of the monarchy deny that Señor Rodrigo da Silva had initiated the negotiation which I have revised.

Commenting upon this feature of the debate, Señor Bocayuva in his XXXII Article of the series entitled *Na Defensiva*, which appeared at Rio de Janeiro in the journal *O Paiz*, of 1891, says :

The consultation to the State Council took place, as I have said, on the twenty-eighth day of February.

Since that day, up to May, at the opening of the legislative session, there was a continuous interchange of correspondence between the government and Señor Moreno, Argentine's representative.

This is, at least, supposed by the learned Secretary of Foreign Relations, Señor Viscount of Cabo Frio, who in the report, which he presented to me with abstracts from the history of the negotiations in connection with the territory of Misiones, says :

“ After this (the consultation to the State Council) there

was the following correspondence, there being evidently some one missing, of which the Secretary had no knowledge :

“*Telegram* to the Brazilian Minister at Buenos Ayres, the seventh day of May, 1889.—Say to Doctor Quirno Costa that I cannot leave the Empire on account of political works.

RODRIGO DA SILVA.”

What does this telegram from Counsellor Rodrigo da Silva indicate? Isn't it the confirmation of the promise or of the former engagement to go to Montevideo and meet in that city his colleague Señor Quirno Costa, of the Argentine Republic?

What was the object of the trip, if it was not that of celebrating the treaty of *compromise*, more or less preconcerted between both governments on its general terms?

Shall this be an arbitrary conjecture of my mind? No, and I shall produce the proofs thereof to-morrow, trusting to convey to every one the conviction that :

The direct agreement, by means of the compromise and upon the basis of the division of the territory, had been planned between both governments ;

That Señor Rodrigo da Silva, as is demonstrated by the telegram aforesaid, was on the verge of going to Montevideo to celebrate the treaty there ;

That the basis of the agreement was transmitted directly to the Minister of Foreign Relations of the Argentine Republic, who wished to inform Minister Alencar of its contents, the latter refusing to receive the conference, not being acquainted with the subject, because the Brazilian government had not communicated to him anything in regard to it.

The telegraphic conference did not take place, and the Cabinet João Alfredo fell in June.

Señor Rodrigo da Silva was succeeded in the Cabinet of Viscount Ouro Preto by Counsellor Diana of Rio Grande. Notwithstanding the political crisis, the Emperor persisted in solving the Misiones question in a friendly way, excluding war and arbitration.

Minister Moreno narrated, in a confidential note of the fifteenth day of July, the following highly suggestive episode :

Your Excellency is already aware of the Emperor's views in this respect, and I will relate an incident transmitted to me by Counsellor Diana, as a new token of the sincerity with which the Brazilian monarch proceeds.

Minister Diana, who is from Rio Grande, addressed a few affectionate words to the Emperor on the day he took the oath of his office of Minister.

The Emperor replied to him in these words :

“ You may write to Rio Grande, advising your fellow-provincials, that the question of limits with the Argentine Republic is about to be closed on terms equally honorable for all concerned, and that the people of Rio Grande will not be the less contented on that account.”

Señor Diana replied to the Emperor, cordially thanking him for the news.

Viscount de Ouro Preto's Cabinet, scarcely in possession of the departments, met with the State Council to examine the negotiation proposed and promoted by Counsellor Rodrigo da Silva on Misiones. Everything was approved, so that the ministerial change did not affect the foreign policy regarding the Argentine.

The new Cabinet wished that Doctor Quirno Costa should arrive at Rio, for, in his confidential note of the fifteenth day of August, Minister Moreno says :

Four days ago Minister Diana asked me to encourage him to come over at once ; but last night I made this remark to him :

—Doctor Quirno will surely not care to come without having a basis of direct settlement *accepted* by the Imperial Cabinet, for it would not look well that after having realized his voyage, he should have to return with the convention for arbitration only.

—You are right, he said to me. Let us then wait until the convention for the arbitration shall have been signed, and we will later on talk and try to understand each other.

—Have you any form to propose ? I asked him.

—We have nothing, he said....

The instructions for Alencar shall go by the steamer “Portugal,” the indisposition of Cabo Frio having retarded the work.

It is proper to remark that while the Imperial diplomacy proposed to the Argentine the alternative of selecting Chili or the United States as arbitrator, it hastened to appoint in Washington a special mission composed of two notable plenipotentiaries to initiate the negotiations of the treaty of commerce which, with so much credit for American finances, was subsequently concluded.

In this connection the Minister of the Argentine Republic at Rio de Janeiro wrote, confidentially, on the fifteenth day of July.

In my last letter I spoke to Your Excellency of the Embassy Brazil is sending to the United States, and of the purposes of



the men of the present government in commercial matters. I confirm the data I have given Your Excellency, to which I add a new one which has created a certain impression in financial circles of Brazil.....

.....  
This news and the one I gave Your Excellency in my previous letter are indicative of a new political financial plan, the authenticity of which it will be well to ascertain beforehand through our political agents at Washington.

• The negotiations between Americans and Brazilians did not take long to exhibit a perfect understanding.

On the third day of August the Argentine government received from its Minister at Rio the following message, which showed that the negotiations with the new Cabinet had been resumed.

I hasten to communicate to Your Excellency the good news just sent to me by Minister Diana. Imperial government resolved last night to sustain agreement with previous Cabinet on Misiones question, signing convention for arbitration, which shall remain in suspense for ninety days, while a new form of settlement is looked after within that lapse of time, and a new survey of the source of the *Jangada* is made, to which end Garmendia and Capanema shall go thither.

The Argentine Minister replied in the following telegram :

I beg to notify Your Excellency that Baron de Alencar has not received his instructions, and that it lacks but one month and a half for the closing of Congress.

The instructions did arrive, and on the sixth day of September, Baron de Alencar submitted to the Minister of Foreign Relations a plan for a treaty in the following communication :

With a view to resolve, in the shortest possible time, the pending question of limits between Brazil and the Argentine Republic, I have the honor to hand to Your Excellency, by order of the Imperial government, the enclosed plan for a treaty made out in conformity with the basis stipulated between both governments.

Dr. Quirno Costa replied on the same day, in these terms :

I have had the honor to receive Your Excellency's note of this date, in which Your Excellency, by order of the Imperial

government, hands to me the plan for the treaty, made out in conformity with the basis stipulated by both governments, with a view to resolve, in the shortest possible time, the question of limits between the Argentine Republic and Brazil.

Having examined the said plan I find it to conform with the stipulations agreed upon between both governments, and I beg to advise Your Excellency that I am authorized by the President to sign the same, and I now expect that Your Excellency will communicate to me his authority for the same purpose.

In consequence thereof, on the seventh day of September, 1889, national anniversary of Brazil, its Envoy Extraordinary and Minister Plenipotentiary near the Argentine government, Baron Leonel de Alencar, and the Minister of Foreign Relations of the Republic and Plenipotentiary *ad hoc*, Doctor Don Norberto Quirno Costa, assembled in the halls of the Legation of the Empire at Buenos Ayres, and in honor of the day signed and sealed the following alternate treaty of direct settlement and arbitration :

His Excellency the President of the Argentine Republic and His Majesty the Emperor of Brazil, wishing to resolve, with the shortest possible delay, the pending question of limits between both States, have mutually agreed, without prejudice to the treaty of the twenty-eighth day of September, 1885, to fix the term to close the discussion of right, and failing to arrive at an understanding, to submit the same question to the arbitration of a friendly government ; and a treaty being required for this, the parties appointed their plenipotentiaries, to wit :

His Excellency the President of the Argentine Republic, Doctor Don Norberto Quirno Costa, his Minister, Secretary of the Department of the Interior and of Foreign Relations pro tem. ;

His Majesty the Emperor of Brazil, Baron de Alencar, of his Cabinet, and his Envoy Extraordinary, Minister Plenipotentiary in the Argentine Republic.

And they, having exchanged their full powers of attorney, which were found in good and due form, agreed upon the following articles :

#### I ARTICLE.

The discussion on the right which each of the high contracting parties claims to possess upon the territory disputed between them, shall be closed within the term of ninety days from the conclusion of the survey of the grounds where the ends of the rivers Chapecó or Pequiri Guazú, and Jangada or San Antonio Guazú, are situated.

It is understood that the conclusion of the said survey shall be considered the day on which the commissions appointed by virtue of the treaty of the twenty-eighth day of September, 1885, shall present to their governments the reports and plans to which reference is made in IV Article of the same treaty.

## II ARTICLE.

If the term of the preceding article should expire without a friendly solution, the question shall be submitted to the arbitration of the President of the United States of America, to whom the high contracting parties shall apply within the next following sixty days, requesting him to accept the charge.

## III ARTICLE.

Should the President of the United States of America excuse himself, the high contracting parties shall elect some other arbitrator in Europe or in America within the next sixty days following the receipt of the negative, and in case of any other, they shall proceed in the same manner.

## IV ARTICLE.

If the appointment is accepted within twelve months from the date on which the respective communication is received, each one of the contracting parties shall submit to the arbitrator its exposition, and the documents and titles which may be convenient for the defense of its rights. The exposition once presented, no addition to the same shall be allowed unless at the arbitrator's request, as he shall be invested with power to demand the necessary explanations.

## V ARTICLE.

The frontier shall be constituted by the rivers which the Argentine Republic or Brazil have designated, and the arbitrator shall be invited to decide in favor of one of the parties as he may think just, in view of the reasons and documents produced.

## VI ARTICLE.

The decision shall be given twelve months from the date on which the expositions shall have been presented, or from the most recent date if the presentation of the expositions should not be made by both parties at the same time.

The decision shall be definite and binding, and no ~~appeal~~ ~~objection~~ shall be admitted to oppose its accomplishment.

#### VII ARTICLE.

The present treaty shall be ratified, and the ratifications shall be exchanged in the city of Rio de Janeiro within the shortest time possible.

In testimony whereof the plenipotentiaries of the Argentine Republic and of the Empire of Brazil, sign the same treaty and affix their seals to it, in the city of Buenos Ayres on the seventh day of September, 1889.

N. QUIRNO COSTA.—BARON DE ALENCAR.

treaty, by its nature, was comprised within the power of the Crown, therefore, definitely ratified with the Imperial approbation. Subsequently the Argentine Congress it was sanctioned without remark, though hurriedly, and the exchange of ratifications took place in Rio de Janeiro on the fourth day of November, on the eve of the Empire's fall.

The necessity and propriety of resolving the Misiones question by a direct treaty was admitted by Brazil at the suggestion of its chancery. This illustrious Emperor showed his consistence with similar initiatives of the Emperor of Mexico, of Don Pedro Luis and of Counsellor Dantas, communicated by the plenipotentiaries, Dominguez and Quesada. Imperial diplomacy consecrated in a solemn treaty of direct compromise an effective means of getting at the desired solution, without leaving international asperities and susceptibilities in ferment.

#### XIV

On the ninth day of September, two days after the pact had been signed, the Argentine minister at Rio de Janeiro communicated the impressions that the treaty had produced at the Court. His words were as follows :

Your Excellency knows, by my telegrams and by those which the Press at Buenos Ayres has surely received, the deep impression caused at the capital by the news that the convention of arbitration had been signed.

Your Excellency's telegraphic advice was received by Counsellor Diana and by myself on the night of the seventh. I took, personally, to the Emperor Your Excellency's telegram, and he asked me to read it aloud in the presence of the Minister of State and the persons of the Court who surrounded him at that moment. When I had finished reading the despatch, the Emperor pressed my hand effusively and requested me to return the noble greeting of His Excellency, the President of the Republic, with the shortest possible delay.

The Emperor's features revealed the merriment of his mind, and this same observation was made by the persons to whom I have just referred.

Señor Moreno added a scheme for a direct compromise or settlement that had been suggested to him by Counsellor Diana, Minister of Foreign Relations, in these terms :

In the course of a conversation I had yesterday with Minister Diana I have observed that they would accept a direct settlement which would fix the natural limits, and establish the obligation to indemnify, pecuniarily; the contracting party who, by the decision of the umpire, should have lost some territory in marking out the boundary line.

For instance : A line is drawn up which, going from the confluence of the Chapecó, in the Uruguay, shall follow as far as the source of the same, and continue through the highest part of the boundary line of the waters, until the sources of the San Antonio Mini are found, the space between the Chapecó the boundary line of the waters and the Pepiri Mini, to belong to the Argentine Republic.

A price shall be set on the square kilometer of the territory in dispute.

The question of right once resolved by the President of the United States, and the kilometric extent of the whole disputed ground and of the zone which shall be agreed upon beforehand for one of the contracting parties, having been accurately ascertained, the most favored one, in territorial extent, shall pay to the other for the excess of land received.

The foregoing proposal is a mere form. Minister Diana has given me no detail whatever. I only mention the idea as a starting point to project the settlement which we all desire, and I await, with great interest, the instructions which may be sent to me in this respect.

The letter had reached Buenos Ayres just when Dr. Quirno Costa had been transferred to the Department of the Interior, and I had been intrusted by the President with the Portfolio of Foreign Relations.

The Argentine government was animated with the generous impulses that could lead to a compromise, honorable for both countries; but it could not forget the teachings of experience. Every time that Argentine diplomacy showed some interest in pushing the Misiones negotiations, the Brazilians proceeded slowly. Furthermore, the arbitration having been concerted as a solution of last recourse, it was logic not to weaken the Brazilian conviction of our rights to the Misiones. Therefore I called the Argentine Minister at Rio, who came down to Buenos Ayres at once, and asked for a general meeting of the Cabinet, which took place on the twenty-eighth day of October, 1889, and upon a strict examination of the situation, the government approved the plan which I had the honor to submit, the capital points of which were as follows :

1. Not to promote the direct settlement, leaving its initiation to the Brazilian chancery.

2. To confirm the instructions given to the Argentine Minister at Rio de Janeiro, Señor Moreno, in June of 1885, according to which his attitude was to be always reserved, limiting himself to hearing proposals and report the same to government.

3. To reject the general form of settlement insinuated by the Minister of Foreign Relations of Brazil, Counsellor Diana, adding in a verbal counter indication, which would be the only possibility under which the Argentine would listen to proposals.

In consequence thereof, the government approved the following instructions, which the Argentine Minister at Rio de Janeiro received and had to comply with :

Buenos Ayres, the twenty-eighth day of October, 1889.

*To the Argentine Minister in Brazil, Don Enrique R. Moreno.*

The treaty of arbitration between the Republic and the Empire of Brazil having been approved and exchanged, this government remembers with pleasure that Your Excellency sent in his confidential note of the ninth day of September last, a general form of settlement, which was presented to Your Excellency by His Excellency Counsellor Diana, Minister of Foreign Relations of Brazil.

Though said form, based upon the pecuniary indemnification in favor of the party that would be injured by the arbitration, which it leaves in force, is not admissible, this government thinks that His Majesty will not on that account modify its noble purposes of hastening the definite conclusion of the question, discussing other combinations.

Therefore Your Excellency ought to signify to Señor Counsellor Diana, referring to the form of his confidential note of the ninth day of September, that this government does not deem proper to make a subject of pecuniary indemnification out of a question which has been always of right for the Republic; but that it would be pleased to reciprocate that noble purpose of His Majesty's government by discussing a direct settlement upon the general basis, plain and distinct, that a frontier shall be fixed which will put an amicable end to the suit. This boundary line could pass through uneven and known parts of the territory in dispute, if it is established in a suitable manner for both countries.

In view of the good will and harmony of the diplomatic relations of both nations, this government believes that the indicated solution will be easily attained; and if His Majesty's government should accept the negotiation in that form, Your Excellency will propose to Counsellor Diana the holding of a telegraphic conference with the undersigned to fix the said frontier.

Your Excellency may hint in such a case, that this government is moved by the desire of facilitating with generous views, a fair solution, for it is the aim of consolidating forever the union of two brotherly people who are bound by the supreme offering of blood, and by the highest ideals of civilization. Your Excellency may add, that with such feelings we would accept a frontier which could be marked out between.....

.....  
in the conference before mentioned, and the drawing of it upon the ground would be trusted to a joint commission. For illustration of this part of the instructions a plan is enclosed, sealed by the Sub-Secretary of this Department, and which will serve as a basis to the change of ideas which Your Excellency is authorized to pursue. Your Excellency may insist, if necessary, in that this government does not deem it indispensable, to treat the direct settlement, the termination of the surveys that are now being made at the Misiones.

Should the government of His Majesty entertain different views, Your Excellency must be reserved, without advancing any declaration in the name of this government, and communicate the facts for proper action.

ESTANISLAO S. ZEBALLOS.

Political purposes of different nature, in connection with South American peace and civilization, decided the Argentine government to detain in Buenos Ayres its Minister at Rio, in order to combine the action which was to be commended to him near the Imperial government.

During his stay at Buenos Ayres, Señor Moreno informed the Argentine government that the Emperor of Brazil and his chancery were seriously engaged in studying a form of direct settlement, which had been introduced in the Cabinet and in the State Council by the distinguished Surveyor A. Rebouças. Señor Moreno added that the division of the territory by a line that would unite the mouths of the rivers Piquiri Guazú (Chapecó) and Chopin, was a compromise that Don Pedro would accept.

Some Brazilian writers have ascribed the proposition of Surveyor Rebouças to the Argentine Minister Señor Moreno, under Doctor Quirno Costa's Ministry. In the *Jornal do Comercio* of the tenth day of July, 1891, it was affirmed in letters on the Misiones question, by General de Beaurepaire Rohan, dignitary of the Imperial Palace, Viscount de Sinimbú, Marquis de Parnanaguá, Baron Ladario, Viscount de San Luis de Maranhas, and other high personages.

However, the fact is not true. Señor Moreno could not present any basis for a settlement in the name of his government contrary to the express text of his instructions, and against Doctor Quirno Costa's resolutions to locate in Buenos Ayres every negotiation, which must be initiated as an essential condition, by the Brazilian Minister near the Argentine government.

On the other hand, the close examination of the correspondence between Señor Moreno and Doctor Quirno Costa, of which I have made abstracts, leaves in the mind a clear impression that the initiation of the direct compromise invariably started from the Imperial chancery.

This conclusion is, furthermore, confirmed by an authorized publication made by the *Jornal do Commercio* of Rio de Janeiro, on the twenty-fourth day of July, 1891, of which the following is a translation :

It has been alleged that the Emperor had entertained a project gotten up by Señor Andres Rebouças. This project consisted in the following :

- a) The parallels shall be taken between the four rivers Pepiri, San Antonio, Chapecó and Fangada, and the geometrical meridian shall be marked out by a line of points.
- b) To transfer it to the ground and build up a railroad on it, to be done by a committee of five members, two Argentines, two Brazilians and one drawn by lot between both countries.
- c) The expenses to be equally divided by both nations, as well as the survey; the profits to be also divided.
- d) The marginal zones would be neutralized and distributed in lots of twenty and thirty *hectareas* for settlements of European immigrants.
- e) Both countries to be forbidden for ever to build permanent or transitory fortresses between the rivers Paraná, Uruguay or Iguazú.
- f) Both countries to be bound to adopt as a guide this procedure of technical arbitration for all other questions of limits.

This project was exposed by Doctor A. Rebouças in articles for the daily papers of Portugal which were reproduced here by the *Diario do Commercio* after the November revolution.

There is no doubt but such project was sent to the Secretary of Foreign Relations.

Doctor Nilo Peçanha, national deputy, wrote to the *Gazeta de Noticias*, of Rio, in connection with the discussion about the existence of this project :

I append below the project of technical arbitration of Doctor Andrés Rebouças, endorsed by the Emperor a few months before the revolution of the fifteenth of November. Had the Republic not been proclaimed on that day the project would be converted into a treaty.

Don Pedro found it to be excellent, and referred it to the Minister of Foreign Relations through Baron de Loreto, Minister of the Empire at the time, and Viscount de Cabo Frio passed judgment upon it.

It is, therefore an official document.



The same author of the project of direct settlement wrote this anecdote, which Deputy Peçanha reproduces in the article above named :

Time went on in great anxiety. On the twenty-fifth day of May, 1889, anniversary of Argentine independence, at 6:30 P. M., the Emperor was in his car at the Petropolis station and sent for me.

—The Argentines will accept the arbitration, he said with jubilant expression, worth a poem. I consider your project an excellent one. I handed it over to the Minister of Foreign Relations.

The State Council took a hand in this matter in 1889. The idea of doing away with the arbitrator and to settle the question directly by an act of international spontaneity was submitted to the Cabinet and to the State Council, according to official data authorized by the ex-Ministers of the Empire and published by the Press of Rio Janeiro. The opinions of the Ministers and members of the State Council were really published by the *Jornal do Commercio* of the tenth day of July, 1891.

Viscount of Ouro Preto, President of the last Imperial Cabinet, gave the following opinion :

Understanding that that great interest does not compensate the horrors of a war, especially under the delicate circumstances in which the country is placed, I think that to avoid war, if war is feared, which I do not know, it would be advisable to compromise with the Argentine government under the stipulations that I shall indicate, answering to the questions set forth in the advice of the twentieth instant.

I Article. Is it acceptable, any proposal of compromise having as a basis the division of the contested territory, *particularly that which is now made by the Argentine government ?*

II Article. It being acceptable, shall the increased territory between the Chopin and the Jangada or San Antonio Guazú be comprised in the transaction ?

III Article. Does the acceptance of any proposal of division require the previous acknowledgment of the intermediate territory ?

IV Article. If no proposal of compromise is to be accepted, it would be convenient to propose arbitration to the Argentine government.

To the I Article, I reply: *A compromise, having as a basis the division of the territory in dispute, is acceptable; though not as is proposed by the Argentine government, but as counselled by the learned Baron de Cabo Frio.*

To the II Article: The increased territory between the Jangada and the Chopin should not be comprised in the compromise, for it would amount to accede to the claim, so far not presented by the Argentine Republic, and render possible for the same the acquisition of a larger area than the one claimed.

To the III Article: The acceptance of any proposal of division does not require the previous acknowledgment of the intermediate territory.

To the IV Article: Yes. If there be a well-founded fear of war, it would be convenient to propose arbitration to the Argentine government.

I have demonstrated the error of ascribing the initiation of this form of compromise to the Argentine government. The Argentine minister simply sustains the general idea plead by Señor Rebouças, and as a starting point for discussion.

Viscount de San Luis of Maranhão, in reply to those questions set forth, as indicated by the Chief of the Imperial Cabinet, to consult the judgment of the State Council, adhered to the opinion of Viscount of Cabo Frio, and thought that "Brazil ought not to oppose any reasonable proposal of compromise, tending to the division of the territory." He added:

Notwithstanding the full conviction of our rights, and even with loss of a part of the territory which legally belong to us, and for which we have been claiming incessantly, we cannot use any other policy; but it is necessary that the agreement to be entered into, shall be governed by the principles of equality, imposing sacrifices on both parties, so that none shall be benefited at the expense of the other, thus offending the dignity of the nation.

Counsellor Manuel Francisco Correia expressed his opinion in this manner:

First Question. Is it acceptable, any proposition of compromise having as a basis the division of the contested territory, and particularly that which the government does now make?

It is not a matter that can be rejected *in limine* in the solution of the question of limits, any proposal having as a basis the division of the contested territory. The question lies in the fixation of the extreme points, in view of which the boundary line is to be drawn up, or, in other words, in the just division of the territory in dispute.

Viscount of Cabo Frio, Sub-Secretary of the Department of Foreign Relations, who has kept, in that capacity, the records of the Misiones suit, and whose competence is respected by Brazilians of the Empire and of the Republic, was also an advocate of the direct settlement, dividing the contested territory by a natural line, excluding the fraction of territory comprised between the Jangada and the Chopin.

Finally, the national Deputy, Brigadier-General Dionisio de Castro Cerqueira, commissioner of limits, solemnly affirms in a letter published by the *Jornal do Commercio* of the twenty-first day of July, 1891, that in starting for the exploration of the Jangada, or San Antonio Guazú de Oyarvide, in 1889, he went to the Emperor, to receive his orders, and the latter told him in the presence of several personages:

Now, go and finish that as quick as possible; we can resolve the question ourselves without having recourse to a third party. We do not need any arbitrator.

These antecedents, briefly told, show that neither the Argentine Republic nor its Minister at Rio de Janeiro, made clear proposals for a direct settlement. The idea concerned statemen of the Empire since the times of Dominguez' Legation, as has been demonstrated. The consultation of the State Council, made in the general terms of the four questions made known by Viscount of Ouro Preto, was not provoked by the Argentine government, but by the necessity of the Imperial government to be prepared for the direct settlement within ninety days, fixed for the stipulated basis of the treaty of the seventh day of September.

The ministers and counsellors of the Empire disclosed in that meeting the fundamental purpose to exclude war from the possible solutions, preferring the direct settlement, if the Argentine Republic had maintained it as a condition of peace. This political plan is explicitly told in the words of the President of the Cabinet, Viscount de Ouro Preto.

## XV

The capital point of the initiative of direct settlement being rectified, the Cabinet needs also to disprove fundamentally a grave imputation cast upon the Argentine Minister at Rio de Janeiro, Señor Moreno, with which it has been tried, or perhaps it is being tried, to belittle the strength of our rights to the territory of Misiones.

The President of the Republic has referred in his message of May to the solemn debate which took place in Rio de Janeiro upon the occasion of the treaty Zeballos-Bacayuva. General Cunha Mattos, governor of Matto Grosso, a prominent political entity in Rio de Janeiro, took part in the discussion, publishing in the *Jornal do Commercio*, of the nineteenth day of July,

1891, a letter in which he affirmed that Señor Moreno had declared in a conference, that the Argentine Republic had no rights to the Misiones. General Cunha Mattos further said, that he had heard the assertion from the lips of the Empire's Minister of Foreign Relations, Counsellor Diana, who had received from the Argentine Minister that candid confession. These are the words of the letter :

The former, Counsellor Diana, speaking with me at Montevideo in the latter part of December, 1889, about the news published by daily papers of Rio de la Plata that the cession of a part of our territory to the Argentine Confederation had been decided upon, and that Señor Quintino Bocayuva was to sign the treaty, to do which he was about to leave, said to me :

"The Cabinet of the seventh day of June, of which I was a member, left this matter on the best possible footing. Proved as our rights to the contested territory are, in the most conclusive manner, we acquiesced in the survey of the Jangada at Minister Moreno's request, partly because those rights would be re-affirmed, and partly because *it was necessary that some concession should be made to Moreno, who appeared disposed to recognize our right, regardless of the arbitration, going so far as to declare to me, that he only made a point to sign the definite treaty, the greatest service he could render to his country, insuring to it a perpetual peace with Brazil.*"

On the twenty-first day of July the *Jornal do Commercio* published a new letter from General Cunha Mattos, ratifying the foregoing statement :

His Lordship's conclusion, he said, is not founded on logic, it being utterly baseless, and if those words conceal any thought, it is none other but the confirmation of what Counsellor Diana said to me—that is, *that our right to the contested ground would be recognized by Minister Moreno*, in which Captain Guillobel agrees with me, for on the eighteenth, after the letter I sent to Your Excellency had been written, when I spoke to him of it, he declared that he knew it to be true, adding :

"*Minister Moreno said that he had no authority to speak in writing of our rights, but that he would do so verbally.*"

Baron Ladario, the last Minister of the Empire, assumed a serious attitude in this incident, bringing all the weight of his authority, official and

moral, on behalf of the preceding affirmation. In a letter, replying to another from Commissioner Cerqueira, which he addressed to the *Jornal do Commercio* on the twenty-third day of July, 1891, he said :

The second point, which is just the most convenient for the discussion to which he has been dragged by the strength of the Press, refers to certain conversation had in Montevideo in the latter part of 1890, between the last Minister of Foreign Relations of the Monarchy, and the learned General Cunha Mattos, in regard to a proposal from Señor Enrique Moreno, made to that Minister, my colleague in the Cabinet, to put an end to the suit, *the Argentine Republic recognizing our rights to the frontier already accepted by the same in 1857, leaving the arbitration aside.*

*This is exactly true. I assure it under word exempted from passions, and not liable to be falsified.* When the said diplomat (Señor Moreno) was here, I related the fact in the columns of *La Tribuna*, and I was not replied to.

I have repeatedly asserted, and I do now declare, that the Cabinet of the seventh day of July assembled, took notice of the said resolution, and whence the trumpet call for the military uprising announced the downfall of the Monarchy. That is the reason why this other service rendered by the overthrown government was not construed to have been done for the good of the country. *If the revolution had not been successful, Señor Moreno's proposal would have been made a law for both adjoining countries. \**

On the nineteenth day of February, 1892, the said illustrious personage recommended the topic, and published in the *Jornal do Commercio* a transcendent article after a second series of studies on the question of Misiones. The title of the article reveals its contents *Nosso direito reconhecido ja* (our right recognized).

He insists upon the universal belief among Brazilian statesmen, that Señor Moreno had made, in the name of his government, declarations favorable to the rights of Brazil, to excite its equity in a direct settlement. He closed with these words, similar to those written in 1891.

Now then, there is no doubt that when the revolutionary trumpets greeted the new situation of the 'order and progress,' the Monarchy had heard *with pleasure the candid confession that our cause* (still in dispute) *had been recognized to be just by the opposing party*, which thus surrendered itself honorably to reason.

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\* Baron de Ladario has published his articles in a book edited at Rio de Janeiro in 1891.

The authority of the two Ministers of the Empire, and of high-rank officers of the army, bent upon attributing the incredible attitude to Minister Moreno, caused a deep impression in Brazil. Senator Bocayuva and General Cerqueira rectified such assertions founded upon reasons of common sense; but their authors insisted, and the Argentine government had to interfere, foreseeing ulterior unpleasantness from the incident.

Dr. Don Eduardo Costa was Minister of Foreign Relations of the Argentine Republic, when the categorical assertion of the ex-minister, Baron de Ladario, was published in July, 1891.

Minister Señor Moreno had petition to be transferred from Brazil to Montevideo, and rendered his services in the said capital.

Dr. Costa sent him a note on the eleventh day of August of last year, calling his attention to the words of the Empire's Minister, adding :

Therefore, and understanding that the affirmations of Señor Baron de Ladario injure your character of plenipotentiary of the Argentine Republic, I expect that Your Excellency will kindly inform me as to their truthfulness, or state by virtue of what instructions Your Excellency has proceeded.

Señor Moreno had spontaneously written in advance to the Minister of Foreign Relations, the letters crossing each other on the way. He says in his letter of the twelfth of the said month :

I understand that the Minister of Foreign Relations alone has the right and the obligation to make himself heard before Congress when circumstances so require. All the antecedents of the negotiation are recorded in the department, and it can be seen there that Señor Baron de Ladario's affirmation is absurd. When Señor Baron de Ladario was called to the Department of the Navy, in the Cabinet of which Viscount de Ouro Preto was President, the arbitration had been agreed upon with the previous Cabinet under the Presidency of Counsellor João Alfredo Correia de Oliveira. Señor Diana, Minister of Foreign Affairs, only declared that he accepted what had been agreed with Señor Rodrigo Silva, Minister of Foreign Relations of the previous Cabinet, and by virtue of this declaration the project, written out in Rio, was sent to Buenos Ayres, and there signed on the seventh day of September, 1889.

How can it be supposed that, the arbitration being stipulated, and upon the eve of a new convention which divided the contested territory, there should be anything said of *giving all* to Brazil?

The affirmation is manifestly absurd. I have never spoken with Baron de Ladario about the Misiones question. He had the report from some intermediary who did not speak to me, either, but heard it from a third party.

It is noticeable that Señor Moreno was not informed of the debate held at Rio de Janeiro upon the treaty of Montevideo ; for he ascribes to Baron de Ladario the responsibility of an affirmation that the latter and the other actors in the incident attribute to the Minister of Foreign Relations of the Empire, Counsellor Diana.

However, his word is explicit and fully ratifies the dangerous incident, whatever its origin may have been. It is certainly not customary in diplomatic life, that statesmen should resort to procedures and fictions of a strange nature to disavow the action of plenipotentiaries from friendly countries.

## XVI

The new Republic was looked upon, in America and in Europe, with reserve. The Argentine government hastened to produce an act which broke such vacillations, initiating, at the same time, a transcendental South American policy with regard to the November revolution.

The Argentine Republic was, in fact, the first country which recognized the advent of the Republic of the United States of Brazil, and held diplomatic intercourse with the same by virtue of the decree of the third day of December, 1889, which the Brazilian people hailed with joy, as the most firm support in those initial and solemn moments. The republican government gave testimony of this patriotic feeling causing the Argentine colors to be hoisted to the mainmast of its men-of-war to salute them with the royal homage of the guns. The Argentine decree said :

### DEPARTMENT OF FOREIGN RELATIONS.

Buenos Ayres, the third day of December, 1889.

Whereas, the Brazilian people has proclaimed the republic in substitution of the monarchical system, in the only region of South America where it has been maintained since the liberating cry of May, uttered in 1810 in the city of Buenos Ayres ;

That this event strengthens and exalts human aspiration at free institutions, not only for establishing the same in a great State of monarchical traditions, but on account of the gentle, sober and magnanimous manner with which public opinion has worked up the transition, without the violence or the abuse of victory hurting the human feelings of Brazil and of the world ;

That while the Argentine Republic always maintained sincere and cordial relations with the monarch Don Pedro II, she cannot look with indifference at the crowning of the South American institutional revolution outspreaded by San Martin and Bolivar at the head of the liberating armies which, starting from the shores of the Plata and from the coasts of the Caribbean sea, passed through the highest mountains to meet at the immortal rendezvous upon the field of Ayacucho;

That the fact of the Brazilian Republic adopting the federal form for which the Argentines struggled until they had it incorporated into their fundamental law, exalts in their estimation the prestige of the revolution which has proclaimed the United States of Brazil;

That the mutual feelings of sympathy that the people and governments of the Argentine Republic, and of Brazil have frequently shown to each other, are strengthened before the community of political ideals and institutions, created by the events of the fifteenth day of November;

That on the nineteenth day of the same month, the government of the Republic resolved to continue its diplomatic relations with the United States of Brazil, in recognition of its sovereignty;

That upon this date, His Excellency Envoy Extraordinary and Minister Plenipotentiary of Brazil, has presented to the government the circular of the Department of Foreign Relations of his country, dated the nineteenth day of November, informing all nations the proclamation of the United States of Brazil, accompanying an autographic letter from the Chief of the Executive Power, accrediting Baron de Alencar to continue in the discharge of his high functions, exalts its prestige in their estimation.

*The President of the Republic by resolution of the Cabinet does hereby decree :*

I Article.—To celebrate, in the usual form ordered by this session, the advent of the Republic of the United States of Brazil, fixing for such purpose the eighth day of December.

II Article.—The national flag shall be hoisted upon all public establishments, fortresses and men-of-war of the nation.

III Article.—The vessels of the national navy in the ports of the Republic and abroad shall make a display of bunting, and do the highest honor prescribed by the ordinances in this case.



IV Article.—The administration of the capital of the Republic shall be invited to make, on the night of the said day, the illumination of the streets, squares and public monuments, and to induce the public to adorn and illuminate the private buildings.

V Article.—The Minister of Foreign Relations shall pay a visit to His Excellency, the Envoy Extraordinary and Minister Plenipotentiary of Brazil, and present to him the good wishes of the Argentine Republic for the welfare of his country in her new political life.

VI Article.—This resolution shall be specially communicated to His Excellency the Minister of Brazil, and transmitted by the wires to the Minister of the Argentine Republic, at Rio de Janeiro.

VII Article.—The governors of provinces and territories of the nation shall be invited to join in this celebration.

VIII Article.—It is ordered that a copy of this resolution shall be sent to the Ministers of the Interior and of War and Navy, for its due performance, in so far as they are concerned.

IX Article.—It is ordered that this resolution shall be communicated, published and placed in the national record.

JURAREZ CELMAN.

—ESTANISLAO S. ZEBALLOS—N. QUIRNO  
COSTA—W. PACHECO—FILEMON  
POSSE—E. RACEDO.

This measure, taken spontaneously, had in Rio de Janeiro a deep political impression. Señor Bocayuva has so recognized it in latter publications, and the mind of Brazilian statesmen of the revolution was inclined to realize acts of a spontaneous and sincere confraternity with the Argentine Republic.

The Argentine government, on its part affirmed the instructions given to Señor Moreno on the twenty-eighth day of October, and when it considered that the new Republic had been definitely established and in regular relations with the other States, the chancery at Buenos Ayres sent to Señor Moreno the following dispatch :

Buenos Ayres, the second day of December, 1890.

Keep on diplomatic service, as per instructions received by Your Excellency in this city.

Let me know any change with regard to the authority I give Your Excellency in this telegram.

E. S. ZEBALLOS.

The negotiations for a direct settlement had been left in abeyance at the downfall of the Monarchy, in accordance with its acceptance on principle, by the treaty of the seventh day of September, and within the precise term indicated to Señor Moreno to hear and transmit Brazil's propositions by the instructions of the twenty-eighth day of October.

Therefore, upon receipt of the said telegram, Señor Moreno had a conference with Señor Bocayuva, Minister of Foreign Relations, to inform him of the status of the negotiation of Misiones at the moment of the proclamation of the Republic. Minister Bocayuva, being notified of the fact, politely discontinued the negotiation.

In a series of articles, published in 1892 in *O País* of Rio de Janeiro, under the head of *Na Defensiva*, the said Minister says :

I replied to Your Excellency, that the moment did not seem to me the most appropriate to treat such a grave and discussed subject ; but that in my capacity of member of the provisional government, having in charge the Department of Foreign Relations of the Republic, I could not excuse myself, officially, to accept any diplomatic motion made by Your Excellency, or by any other representative of a foreign or friendly power.

At the sitting of the Chamber of Deputies of Brazil, which took place on the sixth day of August, 1891, to discuss the Bocayuva-Zeballos treaty, the eminent Brazilian republican confirmed that assertion.

The published abstracts read as follows :

Your Excellency postponed the question, thinking that it was premature at the moment of a struggle against serious internal difficulties.

Upon subsequent examination of the advantages resulting for the American policy, and especially for the international policy which Brazil must sustain on this part of America, Your Excellency judged that it was really of national convenience to resolve this question, so that the relations between both people should remain deep-rooted.

He added that he had asked of Señor Moreno an official communication, note, or a statement about the antecedents he had furnished him.

The Argentine Minister was not authorized by the instructions of the twenty-eighth day of October, reiterated by the telegram of the second day of December, to make official propositions to Brazil, but to hear the latter's proposals, and to make known, as a kind of reply, upon what terms his government would accept the direct settlement. He, therefore, confined himself to hand Señor Bocayuva a statement containing the overtures for a settlement, initiated by the Ministers of the Empire, Señores Rodrigo da Silva y Diana.

Señor Bocayuva has published this *Pro Memoria* or statement, and the enemies of the treaty have attributed to it, at Rio de Janeiro, the character of an initiative of the Argentine government, anxious to settle the matter on account of weakness of titles.

It is, nevertheless, a manifest error. The *Pro Memoria* is a private act, common among diplomatists, to prepare an official motion. It does not bind the governments, nor even the diplomatists, except when the points in question leave this personal situation to assume public character. Señor Moreno did so understand it, for he did not communicate that document to the Argentine government which only had cognizance of it by Señor Bocayuva's publication, made after the rejection of the treaty.

On the other hand, the said *Pro Memoria* simply explains which were the forms of the direct settlement suggested, or openly presented by the Monarchy, indicating that the Argentine government would accept the proposition indicated by the Emperor to Viscount de Ouro Preto, uniting the mouths of the rivers Chapecó (Pequiri Guazú) and Chopin.

On the first day of January, 1890, Señor Moreno presented to his government the first report confirming the personal and private character of the interviews with Señor Bocayuva. He said :

I have not deemed it necessary to communicate, ere this, the course pursued by the negotiation to attain the direct settlement of the Misiones question, *for what had been done was limited to private conversations, interchange of ideas and vague indications.*

Shall we resolve the Misiones question through a direct understanding, or submit it to the arbitration agreed upon by the treaty of the seventh day of September?

The Ministers were *unanimously* in favor of the direct settlement, and the Marshal expressed his satisfaction at that unanimity of opinions, for he thought that both Argentines and Brazilians must not resort to strangers to settle our question of limits.

Señor Bocayuva confirms this version in the publication already mentioned, *Na Defensiva*, and adds :

The matter was then definitely resolved, agreeing upon the celebration of the treaty in the terms in which it was concluded. All these details are recorded in the minute books of the Provisional Government, which must be in possession of Marshal Deodoro. Access to this book is easy to anybody wishing to read it. It will be seen that in the resolution of the Misiones question there was, in the way the treaty was made, a perfect and absolute conformity of opinions on the part of all the Ministers, *without a single exception.*

The official initiation of this settlement corresponds, therefore, to Brazil, which, on learning through the Argentine Minister the situation in which the Misiones question rested on the fifteenth day of November, unani-  
mously agreed on its continuation.

The government communicated this officially to the nation, when the celebration of the treaty was made known, in an article published under the head of *A questão de Misiones* in the *Diario oficial* of the eighteenth day of February, 1890, reading :

The Provisional Government having found, among the *spoils* of the Monarchy, and pending the solution relative to the territory of Misiones, deemed it convenient to examine it at once, in order to resolve it in accordance with the dictates of patriotism, which amounts to saying: in harmony with the great interests of the nations.

Placed before a diplomatic, quarrel of unquestionable importance, and which imposed itself with a certain urgency towards a speedy decision, just because it had been the subject of prejudices of the old rule in its last days of existence, *the present government resolved, by the initiative and suggestion of the respective Minister to examine it at full length, submitting it to discussion in successive conferences, in which its members had occasion to study its different features, and give their opinion as to how it should be best resolved.* It was from there, from the bosom of governmental collective-ness, stamped with the seal of the most complete common understanding, that the resolution emanated, by virtue of which the Minister of Foreign Relations had to proceed to Montevideo, the place selected for the meeting of the representatives of the Brazilian and Argentine governments.

Señor Bocayuva further says :

Ever since resolutions were passed upon the subject and its celebration agreed upon, I was, quite naturally, obliged to confer directly through the wires with my illustrious colleague, the Minister of Foreign Relations of the Argentine Republic.

That conference was inevitable, because we had to agree on certain essential points of the negotiation so that its termination could be arrived at, that the treaty might be signed by me in the name of the Provisional government, and by the Argentine plenipotentiary in the name of his government.

The instructions of the twenty-eighth day of October and the sealed and

signed map received at Buenos Ayres by Señor Moreno, pointed out the zone within which the line of compromise accepted by the Argentine Republic should be drawn.

In this zone was comprised the boundary lines proposed by the Emperor, uniting the mouths of the rivers Chopin and Pequiri Guazú, and Señor Bocayuva accepted it in his conferences with Señor Moreno, thus fixing, by agreement of both governments, a general basis for a treaty.

The Argentine Minister, in his letter of the first day of January, above named, said :

Ministers Rui Barboza, Campo Sales, Demetrio Ribeiro and Aristides Lobo were in accord, provided the following, was declared in the treaty: "If, upon drawing the boundary line, it should turn out that either Argentine or Brazilian settlers remain respectively within the Brazilian or Argentine frontier, the contracting parties bind themselves to recognize the right or possession, and to grant to the occupant a deed of property or ownership, on condition that the latter shall prove that he has been a settler at least one year prior to the date of this treaty. The evidence for the justification of such a privilege shall be taken by a joint commission appointed to fix the drawing of the line.

In his telegram of the fourth, Señor Moreno asked full power to sign the treaty in due time. In reply to these communications I sent him the following message:

Buenos Ayres, the third day of January, 1890.

Significance of news transmitted pleases highly. Complying with instructions, arrange day and hour for telegraphic conference with Minister of that government, Your Excellency carrying plan signed by this department.

ESTANISLAO S. ZEBALLOS.

The conference took place on the seventh day of January. On the same day Señor Bocayuva asked the Argentine Minister to transmit to his government the general ideas serving as a basis to the conference. Those were:

I Article.—To fix the line from the mouth and right border of the Chapecó (Pequiri Guazú) in the Uruguay, as far as the mouth and left border of the Chopin in the Iguazú.

Between these extremes the greatest unevenness of the ground shall be followed up where it may be possible to do so, contrariwise a straight line shall be drawn, understanding that Chapecó and Chopin remain in Brazilian territory.

II Article.—To recognize the possession of settlers.

III Article.—Both countries shall, in proper time, agree upon organizing a commission to propose the line referred to in I Article.

*(Continuation of the telegram incomprehensible.)*

Though Señor Moreno in his telegram of the sixth said that in his conferences with Señor Bocayuva he had closely adhered to the instructions of October, the Argentine government could not decide, owing to the vagueness of these clauses, for a painful experience in matters of South American limits reminded him of the fact that the ambiguity of a phrase, or the lack of precision in the lines, have been and still are sources of new and serious conflicts when that which is treated picturesquely in the Cabinet, is drawn upon the ground. Consequently it was resolved that the treaty should be framed in personal conference with the Ministers of Foreign Relations of both countries, if it could not be done by telegraph, in order to avoid future difficulties. My predecessor, Dr. Quirno Costa, engaged himself to go to Rio de Janeiro with such purpose in view, but I thought it more convenient that the Minister of Brazil should know the Argentine Republic, and carry favorable impressions to his country, that would stimulate good harmony between both nations; and I attended the telegraphic conference of the seventh day of January, with the following plan :

I Article.—To draw the line by points known and mentioned in the treaty, so that the demarcators should meet with no difficulties, their task being limited to unite points previously designated.

II Article.—To invite Señor Bocayuva to a conference at Montevideo.

III Article.—To add to the treaty two maps, signed by the chiefs of the respective commissions of limits, upon which they would mark out the boundary agreed upon, of which they would draw up a record, stating their accord upon the principal points which would tie the lines of the treaty. The Brazilian Minister would bring the map of the Argentines, and the Argentine Minister would keep the map of the Brazilians, with copies of the minutes.

The telegraphic conference took place, the Minister of Foreign Relations of Brazil, and Minister Señor Moreno going to the telegraph office at Rio de Janeiro. I went with the Brazilian plenipotentiary, Baron de Alencar, who looked upon these arrangements with disgust, and with Colonel Don José Ignacio Garmendia, chief of the commission of limits.

The following is the official text of the conference :

MINISTER ZEBALLOS.—I have the honor to greet Your Excellency, and personally, the illustrious chief of the Provisional government and his worthy Ministers, Señor Baron de Alencar and Colonel Garmendia, here present, joining in the greeting.

Señor Moreno has transmitted the news of the agreement arrived at with Your Excellency, according to the instructions this government ordered him to propose, to give the Misiones question a direct termination, and the attitude of the Provisional government, in reciprocating the high sentiments of the Argentine government, creates new ties between both people, yesterday allies, and always loyal friends.

Your Excellency will please to say if he has accepted the form to head the treaty, which Señor Moreno took from here already written.

As to I Article, I consider it necessary to refer the passing of the line in the centre of the territory to a known point, the unevenness of the ground rendering it uncertain outside of its ends, and the purpose we are after being that it should be as certain as possible, I move that it be said: *that it shall start, from the confluence of the Chapecó, continuing as far as half the distance, from the town of Coelho, in Campo Eré, and Santa Ana's brook, which is within the common thought, because the line would pass through there if it was perfectly fixed already.*

With regard to the demarcating commissions, it must be said that they will draw the line according to the treaty, so that it shall not appear that there may be difficulties and discussions afterwards, the whole thing being reduced to a simple topographical operation, which is also common thought.

I desire to listen to Your Excellency about these points.

MINISTER BOCAYUVA.—I return to Your Excellency the greetings addressed to the Chief of the Provisional government, and beg that Your Excellency will present to the President my respectful compliments, and accept the assurances of my high consideration for Your Excellency and all the members of the Argentine Cabine.

I do accept the heading of the treaty, which shall be made out in few articles. I will sign the direct agreement under the influence of a spirit of American fraternalization. I respectfully consider it inconvenient to draw our boundary line in the same treaty, it is, besides, impossible. This task belongs to the joint commission which shall be appointed and furnished with instruction made by common accord . . .

.....

At this moment the telegraphic communication was interrupted between Buenos Ayres and Montevideo, and two hours later I received the end of Señor Bocayuva's phrase, and a peculiar telegram.

MINISTER BOCAYUVA.—This is the fundamental idea.

Both extreme points being determined, the line will seek the highest corresponding elevation on the "Sierra de la Factura," and follow the unevenness of the soil as straight as possible.

It was impossible, according to the chiefs of the telegraphic service, to continue the conference, and we left the place, leaving the negotiation in suspense in regard to the intermediate point which would spare the vagueness insisted upon by my illustrious colleague. The traject of the line offered well-known points, and we shall see further on, the gravity of the objection that Señor Bocayuva had the honor to raise, with regard to I Article of the project, transmitted in abstract and through the wires.

Shortly after the last words of Señor Bocayuva, I received from Señor Moreno the following telegram.

Rio de Janeiro on the seventh day of January, 1890.

If Your Excellency accepts as a middle point of the line the highest pitch of "Sierra de la Factura," we will modify the I Article, accordingly and finish up the negotiation. I wait for answer.

E. B. MORENO.

Therefore Señor Bocayuva yielded, accepting the drawing of the line which he had thought impossible two hours before; but it seemed very strange that, while rejecting the middle point suggested to him by the Argentine government, he proposed the highest point of the mountain, the Factura peak. This was important to cede spontaneously to the Argentine Republic, as can be seen by the annexed chart; a greater zone of ground, and the limits would thus form an angle towards the East.

The fact indicated an error of the Minister of Brazil, made through not having the chart before him, or by a defective telegraphic transmission. On the other hand, he had the conviction that if the telegraph had transmitted accurately the thought of the Brazilian negotiator, his government would not accept that wedge-like frontier incrusting in the territory, which would be its property when the fact should have been sanctioned.

The meeting of both Ministers of Foreign Relations was, therefore, inevitable, and very dangerous for our country to take for closed a negotiation that was not written out.

It was not possible to refuse the article favorably modified by Señor Bocayuva; and the Argentine government, after weighing all the delicate circumstances of the case, agreed to send Señor Moreno the following instructions:

Buenos Ayres, the seventh day of January, 1890.

I accept reference spoken of in your telegram, the highest point of the Factura peak to be fixed in the centre of the territory.

E. S. ZEBALLOS.



At the same time I sent to Señor Bocayuva a dispatch inviting him to a meeting in an intermediate place, at Montevideo, for instance, to treat the transcendental subjects which concerned the chanceries of both countries.

My illustrious colleague replied to the above-mentioned dispatch which Señor Moreno had communicated to him, and to the one directly received, in these terms :

Rio de Janeiro, the seventh day of January, 1890.

Your Excellency's telegram accepting the definite terms of the treaty puts a happy termination to our negotiations, and I congratulate myself upon the fact that we, old combatants on the field of journalism, shall be the Ministers who will seal up, in this honorable manner, the secular question of Misiones, the only delicate point in the relations of both States.

Your Excellency's invitation to a personal interview may, in fact, be very important for the future policy of our countries ; but only upon hearing the Chief of the Provisional Government and my colleagues could I give an answer to Your Excellency.

I reiterate the expressions of my most cordial feelings for the prosperity of the Argentine Republic, its illustrious Chief and his Ministers.

QUINTINO BOCAYUVA.

Misunderstandings went on, as can be seen by the first part of this dispatch, if compared with my telegram to Señor Moreno.

The Argentine government had not accepted *the definite terms of the treaty*, for they had not been communicated by mail, which was essential for the approval, but simply the *middle point of the line*, that is to say, the general idea of the I Article. As will be seen right after, the Argentine negotiator refused to accept in Montevideo the wording of the said article written at Rio de Janeiro.

But these misunderstandings did not preoccupy the Argentine government, for if the interview of the respective Chiefs of Chancery did not take place, the definite text would be discussed by correspondence. This was obvious. Two States may agree on the spirit of a treaty, but when it comes to shape it in writing, one phrase, one word may alter it substantially, and lead to future dangers in such a manner that questions, far from being settled, might be postponed or entangled.

The Argentine Minister had been advised ever since he asked for authority to sign the treaty to insist near the government of Brazil upon the necessity of the interview of both Ministers of Foreign Relations.

Consequently, on the tenth, I received the following satisfactory dispatch :

Rio, the tenth day of January, 1890.

Thanks for Your Excellency's kind words. I shall soon proceed to Montevideo ; will advise date of departure. I reiterate my high appreciation.

BOCAYUVA.

Señor Moreno, on his part, telegraphed to me the following :

Rio, the tenth day of January. 1890.

Will leave on the fourteenth on the cruiser *Riachuelo*, with  
Minister Bocayuva. Greeting. E. B. MORENO.

The President of the Republic vested me with the necessary powers, and I left for the said capital, in whose harbor the great Brazilian vessel would be met by the small cruiser *Patagonia* and the despatch boat *Azopardo* of the national navy.

## XVII

I was accompanied on this mission by the chief of the Argentine Commission of Limits, Colonel Garmendia, and his assistant, Lieutenant Colonel Rhode. Señor Bocayuva had with him the acting chief of the same, Colonel Dionisio E. de Castro Cerqueira, and the Adjutant Sergeant-Major Belermino Mendoza.

Upon Señor Bocayuva's arrival at Montevideo with the Argentine Minister at Rio de Janeiro, the latter informed me that on the same day, the seventh day of January, after telegraphing, accepting the fixation of the middle point of the boundary on the Factura mountain, the Brazilian negotiator had recognized his error, in which the Provisional Government agreed. That in consequence thereof, he came to propose another point near the one I had suggested.

Señor Moreno finally believed, that Señor Bocayuva should not be made to maintain the point erroneously given, for we were exposed to injure the position of a Minister who was a sincere advocate of the cordiality between both nations.

I replied that in reading the telegram of the seventh day of January I had seen the error, and that the Argentine government's good faith would facilitate to Señor Bocayuva the means of rectifying the error, without injury to its interest in this transaction.

Señor Moreno, to whom the Argentine government had granted power to sign the treaty at Montevideo, as Señor Alencar would do, the chiefs of the Chancery being thus accompanied by their principal co-workers in the great work, left for Buenos Ayres for private reasons, and the negotiation began at my residence, the Hotel Central, between the two Ministers of Foreign Relations only, their private secretaries Señores Pardo and Peña being present.

At the first meeting Señor Bocayuva handed me a project of treaty whose original I kept and is placed in the archives of the Department of Foreign Relations.

This project surprised me. It contained, between the text of I Article and by way of accidental phrases, solemn and transcendent clauses, which had not been mentioned by Señor Bocayuva during the interrupted conference, nor the Argentine government in its communications. They had not been mentioned in the abstract already known, which Señor Bocayuva requested Señor Moreno to send to the Argentine government through the wires, to facilitate the telegraphic conference.

The project of Señor Bocayuva, which my secretary *ad hoc* copied and signed, besides keeping the original text, was this :

PROJECT OF A TREATY PRESENTED BY MINISTER SEÑOR  
BOCAYUVA TO MINISTER SEÑOR ZEBALLOS AT MONTE-  
VIDEO ON THE TWENTY-THIRD DAY OF JANUARY, 1890.

Under the auspices of institutional unity of America, and in the name of the feelings of fraternity which ought to subsist among all people of this continent, the Chief of the Provisional government of the United States of Brazil, and the President of the Argentine Republic, wishing to put a mutually amicable and honorable end to the suit on limits which their respective nations have maintained since the colonial epoch, resolved to celebrate a treaty, and appointed their plenipotentiaries, to wit :

The Chief of the Provisional government of the United States of Brazil appointed Quintino Bocayuva, Minister and Secretary of State and of Foreign Relations, and Baron de Alencar, Envoy Extraordinary and Minister Plenipotentiary in the Argentine Republic.

The President of the Argentine Republic appoints His Excellency Doctor Estanislao S. Zeballos, Minister of Foreign Relations, and Don Enrique B. Moreno, Envoy Extraordinary and Minister Plenipotentiary in Brazil.

And the full powers of attorney having been exchanged and found in due form, they agreed upon the following stipulation :

I Article. The frontier of the Republics of the United States of Brazil and Argentine in the contested territory of Misiones begins at the mouth and right border of the Chapecó on the Uruguay, crosses the divisor of the waters of the Iguazú and of the Uruguay, between Campo Eré and Campo Santa Ana, at the nearest point to the one situated at 26° 20 latitude and 53° longitude, according to the map of the surveying commission of the said territory; ending at the mouth and left border of the Chopin, on the Iguazú.

The boundary line shall be drawn between each of the extreme points and the central point, so that, sparing the Brazilian towns, the best natural limits shall be availed; the same to be constituted by straight lines only where it cannot be helped, the said rivers Chapecó and Chopin remaining in all their course, in the exclusive possession of Brazil.

II Article. The high contracting parties bind themselves to recognize the possession of the settlers who after the drawing of the line shall remain on one or the other side, and to grant them a deed of property, if they should prove that they were settlers one year prior to this date.

III Article. Both high contracting parties shall agree, in due course, upon organizing a joint commission to draw the boundary line, to which they shall, by mutual accord, give the necessary instructions.

IV Article. The joint commission shall propose the direction that the boundary line shall conveniently take, in conformity with I Article of this treaty, and with the instructions referred to in III Article; and after the proposal shall have been resolved by both governments, if they should judge the demarcation to be necessary, it shall be proceeded with according to the instructions given them.

V Article. This treaty shall be ratified, and the ratifications shall be exchanged at Rio de Janeiro with the least possible delay after the approval by the Argentine Congress, and by the Assembly of the United States of Brazil.

In witness whereof the said Plenipotentiaries sign and seal the said treaty in the city of Montevideo on the ..... January, 1890.

(Copy.) *Ricardo J. Pardo,*  
First Secretary of the Mission.

The clause which called my attention, particularly in I Article, is the one that reads :

The boundary line shall be drawn between each of the extreme points and the central point, so THAT SPARING THE BRAZILIAN TOWNS, the best natural limits shall be availed, *the same to be constituted* by straight lines only where it CAN- NOT BE HELPED.....

At the telegraphic conference Señor Bocayuva proposed the contrary to me, that is to say, to draw the straight line in preference.

If such wording had been proposed to me by telegraph in its entirety, it would not have been accepted on account of the vagueness of the criterion suggested to the future to avail natural limits which are not designated, drawing curves in preference, to *save the Brazilian towns*.

My proposition of the central point had a plain and clear object: that the boundary line should leave in our jurisdiction the colony of *Campo Eré*, founded by the Brazilians in the centre of the contested territory. By the wording of the treaty made at Rio de Janeiro this result could not be attained, because the clause about drawing curves, to save the Brazilian towns, would create among the demarcators, at least, a fundamental misunderstanding.

On arriving, in the drawing of the line, at the heights of that colony, it is natural that the Brazilian demarcators would try to deviate from the straight line, and that the Argentines would object to it, because that curve, penetrating into their country, besides breaking the equity of territorial division increasing the part awarded to Brazil, was an obstacle to the political object that Argentine sovereignty upon that colony, clandestinely advanced upon our territory, should be recognized.

The treaty would, therefore, fail on account of this grave difficulty. Subsequent facts have demonstrated that if Señor Bocayuva did not pursue such a purpose, the commission of limits which was called upon to draw the line upon the ground, would have pursued it, because all its members, like the majority in Brazil, rejected the line through motives of local politics.

I proposed, in consequence, to Señor Bocayuva to strike out that incidental phrase, or make it clear, setting forth that the limit would spare the Argentine or Brazilian towns which it would find *in its path*, from the mouth of each river to the central point. My colleague accepted this reform, and the Argentine sovereignty over the colony of *Campo Eré* was thus recognized.

In order to insure and clear up this interpretation, I refused to accept the middle point which the Minister of Brazil proposed to me over again, after nobly eliminating the error to which I have made reference. That point would be selected, as has been seen in the project, near the intersection of a parallel and of a meridian.

It was another vagueness, a point politically and technically undetermined, and on account of which we were the losers of a number of leagues of land on the highest altitudes that divide the waters upon the country road, leading from the Argentine meadows of the Paraná to the sources of the Pepiri Guazú and city of Palmas. Señor Bocayuva refused this proposal at the telegraphic conference, but accepted it in Montevideo, and the line was thus fixed in such a manner that it will never give cause for further doubts or contentions.

I added, and were accepted, other minor modifications which I indicate with italics in the enclosed comparative text:

I Article.

The frontier of the Republics of the United States of Brazil and Argentine on the contested territory of Misiones begins at the mouth and right border of the Chapecó on the Uruguay, crosses the divisor of the waters of the Iguazú and of the Uruguay, between Campo Eré and Campo Santa Ana at the nearest point to the one situated at 26° 20' latitude South, and 53° longitude, according to the chart of the surveying joint commission of the said territory, ending at the mouth and left border of the Chopin on the Iguazú.

Between each one of the extreme points and the central point the boundary line shall be drawn so that, sparing the Brazilian towns, the best natural limits shall be availed, it being constituted by straight lines only where it cannot be helped, and remaining in the exclusive possession of Brazil, in all their course, the said rivers Chapecó and Chopin.

II Article.

The high contracting parties bind themselves to recognize the possession of the settlers who, after the boundary shall have been drawn, would remain on one side or the other, and to grant to them a deed of property, if they should prove that they were settlers one year prior to this date.

III Article.

Both high contracting parties shall, in due time, agree upon organizing a joint commission which shall draw the boundary line, and be furnished by common accord, with the necessary instructions.

IV Article.

The joint commission shall propose what direction shall conveniently be given to the boundary line, in conformity with I Article of the treaty, and with the instructions referred to in III Article, and the proposal being resolved by both governments, if the latter judge the demarcation to be necessary, it shall be proceeded with, subject to the instructions which shall be given them.

V Article.

This treaty shall be ratified and the ratifications exchanged at Rio de Janeiro with the shortest possible delay, after it shall have been approved by the Argentine Congress and the Assembly of the United States of Brazil.

I Article.

The frontier of the Republic of the United States of Brazil and of the Argentine Republic in the contested territory of Misiones begins at the mouth and right border of the Chapecó or *Pequiri Guazú*, on the Uruguay, crosses the *divortia aquarum* of the Iguazú and of the Uruguay, between Campo Eré and Campo Santa Ana, at the middle point of the distance between *Coelho's settlement* on the former Campo, and the bridge over the river Santa Ana upon the road to the Sierra de la Factura, according to the chart of the surveying joint commission of the said territory, ending at the mouth and left border of the Chopin, on the Iguazú.

Between each one of the extreme points and the central point the boundary line shall be drawn, *availing the best natural limits, sparing the towns of both nations, that it may find on its path*, it being constituted by straight lines only where it cannot be helped. The said rivers Chapin and Chapecó shall remain, in all their course, in the exclusive possession of Brazil.

II Article.

The high contracting parties bind themselves to recognize the possession of the settlers who after the boundary line shall have been drawn, *remain* on one side or the other, and to grant to them a deed of property, provided they shall prove that they were settlers one year prior to this date, *with settlements of a permanent character*.

III Article.

Both high contracting parties shall in due time agree upon organizing a joint commission which shall draw the boundary line, and be furnished, by common accord, with the necessary instructions.

IV Article.

The joint commission shall project the plan that may suit the boundary line, in conformity with I Article of this treaty, and with the instructions referred to in III Article, and the said project being approved by both governments, the demarcation upon the ground shall be proceeded with, if the high contracting parties deem it necessary.

V Article.

This treaty shall be ratified and the ratifications exchanged at Rio de Janeiro immediately after its approbation by the Argentine Congress and by the Assembly of the United States of Brazil.

When I received the project of the treaty I ordered Colonel Garmendia to start for Buenos Ayres to acquaint the Vice-President of the Republic, Doctor Don Carlos Pellegrini, who acted as Executive, with the situation and obtain his views.

The Vice-President replied to me on the twenty-third day of January as follows:

I received your letter of yesterday, and have spoken with Garmendia. I fear you are going to meet with difficulties on fixing the line. It is evident that Señor Bocayuva does not wish to return home without closing up that matter, which places him in a position favorable to us; but at the same time he has to look out for his position in Brazil at these moments.

Your Excellency may, at the conferences, judge which of these two considerations concerns him most and in view of Your Excellency's opinion we shall be better situated for a discussion when the difficulty is well defined.

Fortunately, the difficulty did not come off and I was able, within my instructions and plans, to close up the treaty.

Ready to sign the same at the Palace of the Argentine Legation, we agreed to do it in the halls of the Uruguayan government, whose distinguished hospitality had been tendered to both missions. We, in consequence, exchanged the following communications:

Montevideo, the twenty-fourth day of January, 1890.

Sir:—The undersigned Ministers of Foreign Relations of the Argentine Republic and of the United States of Brazil, have received with the highest consideration the offer of the halls of the government's palace to perform the international act which has reunited them at Montevideo, and though they had agreed to realize it in the House of the Argentine Legation, they take pleasure in informing Your Excellency that as a token of respect and cordiality towards the Eastern Republic of the Uruguay, they shall meet, for the purpose aforesaid, at the government's palace.

In communicating this to Your Excellency we beg that Your Excellency will present to His Excellency the President of the Republic our feelings of gratitude, and our best wishes for the welfare of the nation and his person.

With the assurances of our distinguished consideration, we greet Your Excellency.

ESTANISLAO S. ZEBALLOS.

QUINTINO BOCAYUVA.

*To His Excellency, Minister of Foreign Relations of the Republica Oriental del Uruguay, Don Oscar Hordenana.*

Montevideo, the twenty-fifth day of January, 1890.

SIRS:—I have just had the honor to receive your collective note of yesterday's date, in which you kindly inform me that you accept the offer made by His Excellency, the President of the Republic, of the halls of the government's palace, to perform the international act that brought you together at this capital.

His Excellency, the President of the Republic, congratulates himself deeply and sincerely upon that friendly resolution, and directs me, at the same time, to place at your disposal the reception hall of the Department of Foreign Relations, where the sessions of the South American Congress of Private International Law were held.

I have the pleasure to renew to your Excellencies the assurances of my high and distinguished consideration.

OSCAR HORDEÑANA.

The treaty was signed on the twenty-fifth day of January by the Ministers of Foreign Relations of both Republics, and by the plenipotentiaries of the same, Señor Moreno and Señor Alencar.

Chiefs and adjutants of the respective commissions of limits were present. In consequence thereof I proposed to my colleague that Colonels Garmendia and Cerqueira should exchange the charts of the Misiones, drawn by their respective parties, and to mark out on the copies the stipulated limit, signing the charts, and to make a record thereof.

Señor Bocayuva accepted this suggestion, tending to avoid any doubt in the future. Colonel Garmendia produced the general plan of Misiones, according to the labors of the commission under his order, and Colonel Cerqueira exhibited the Brazilian chart.

Both works having been compared, they were found to be remarkably accordant. Colonel Cerqueira proceeded to draw on both the central point, sketching the limit with his own hand; and this done, both commissions signed the charts and exchanged the same. The Brazilian Minister took the Argentine, and I kept the Brazilian one. This is the minute:

On the twenty-fifth day of the month of January of the year 1890, at the Government Palace of the Eastern Republic of the Uruguay in Montevideo, the President of the Argentine Republic being at the time the most excellent Señor Doctor Don Miguel Juarez Celman, and Chief of the Provisional Government of the Republic of the States of Brazil, His Excellency Marshal-General Don Deodoro da Fonseca; assembled Colonels Don José Ignacio Garmendia, first commissioner and chief of the Argentine Commission of Limits, and Don Dionisio Evangelista de Castro Cerqueira, third commissioner of the Brazilian commission, and chief pro tem. of the same:

And declared authentic the plans of the contested territory



between both countries, drawn by the Joint Commission, signed by them and presented to the Minister of Foreign Relations of both Republics, and Doctor Don Estanislao S. Zeballos and Don Quintino Bocayuva.

By these plans the concordance of the mouths of the rivers Pepiri Guazú, or Chapecó, and Chopin, and of the intermediate point, situated at half distance between the river Santa Ana Bridge and Coelho's farm on the road leading from Sierra de la Factura Com tapo Eré, is established.

*José Ignacio Garmendia*  
*Dionisio E. de Castro Cerqueira.*

This minute and the operation made upon the plans rendered unnecessary for many years the setting of landmarks upon the intermediate lines between the centre and the extremes. It was for that reason, that the article of the project foreseeing the demarcation, was modified.

The Eastern government assembled in the hall of the President of the Republic awaited the termination of the act, and we went in to greet them, amidst reciprocal effusive and cordial congratulations.

The President said that the Eastern Republic gave the act a signal transcendancy, and that he wished to celebrate it with an official banquet, which was done at the Government Palace, the Argentine Republic occupying the right.

To respond to this demonstration and to the salute made to the Argentine flag by the Uruguayan naval division, I gave a banquet and reception at the Palace of the Argentine Legation, to which were invited the authorities and the Press of Uruguay, the diplomatic corps and both missions.

We then proceeded to Buenos Ayres where Señor Bocayuva and his suite were warmly received.

The illustrious guest signified his desire to go to Córdoba and salute the President of the Republic, who was there during his vacation, and the excursion was extended over the neighboring provinces amidst flattering demonstrations for the Brazilian republican.

The general political views of both chanceries being perfectly harmonized, new and extensive beneficial horizons were opened for South America, when Señor Bocayuva returned to his country, to report the result of his mission.

The internal policy raised a storm of furious winds against the worthy negotiator, and against the work of confraternity and loyalty that had just been realized. The monarchical party declared, through Baron de Ladario's organ, that this treaty "is one of the greatest crimes of the Revolutionary Committee, that History will record in amazement."

The same party affirmed that the treaty had been snatched by the Argentine Republic under the promise that it would support the new government with Argentine arms, and consolidate the Republic.

The Argentine negotiator declares most solemnly that these accusations are groundless, and that the Brazilian negotiator has told the truth when he said that the negotiation was only inspired by the high sentiments of republican solidarity, and by a clear notion of the vital conveniences of both nations.

The President of the Republic has said to you in his message of May :

There is no record, in the question of Rio de la Plata, of a debate more solemn and abundant. In it took part all the Brazilian Press, the dethroned Emperor and the old chiefs of Cabinet, State Ministers, Plenipotentiaries, geographers, publicists and demarcators of limits, who during the last ten years intervened in the policy of Brazil.

The pact was brought before the Congress under such auspices and was rejected, in spite of the spirited and glittering exposition of the negotiator Señor Bocayuva.

The trust in the strength of the Argentine titles explains why that long campaign and great diplomatical commotion did not echo in the Argentine Republic in an unpleasant manner.

Furthermore, during that noisy debate, which at times was kindled by the heat of passion, no voice was raised in favor of party politics, nor against the Argentine Republic which, on the contrary, was treated with the utmost consideration.

The rejection of the treaty which Marshall Deodoro and his Cabinet had initiated and unanimously approved after its celebration, was the first symptoms of worthlessness and downfall of that government. The wanton political passions found a motive in the negotiation, and with less concern for future events than for the interest of the moment, wounded negotiator Bocayuva's feelings in a merciless manner, and condemned the negotiation.

The judgment of the special committee of the Chamber of Deputies could not, however, avoid certain declarations which affirmed the Argentine titles, in that they recognize the validity of the written right between Spain and Portugal.

The following is the document :

OPINION OF THE TREATY SIGNED IN MONTEVIDEO ON THE  
TWENTY-FIFTH DAY OF JANUARY, 1890.

The special committee appointed to pass upon the Treaty of Limits between Brazil and the Argentine Republic, celebrated in Montevideo on the twenty-fifth day of January, 1890, and to express an opinion upon the subject, does hereby present its report, in the discharge of the commission with which it was intrusted.

In order to judge with tact the merits of the treaty, the committee tried, before all things, to study from its root the secular discussed question of limits, with a view to ascertain the historical grounds of our rights to the territory contested by the Argentines.

To attain this end, the committee had to go back, through a laborious task, to the historical fountains of the limits of the Portuguese and Spanish possessions in South America, particularly in the region comprised between the rivers Uruguay and Iguazú.

It had at its disposal numerous documents, equally valuable, by order of the Minister of Foreign Relations, in compliance with the committee's request.

The methodical study of documents so complete, so clear, detailed and rich of informations as those which the committee had at its disposal, would suffice to satisfy the most exacting minds. However, the committee carried its scruples to such a point as to declare itself not entirely satisfied with them.

It did not wish to spare a single element for elucidating the great question, and requested the appearance in its midst of Senator Bocayuva, and Viscount of Cabo Frio, the former negotiator of the treaty, and the latter Director-General of the Foreign Department, author of numerous important diplomatic documents upon the subject. The committee had also the information of two of the commissioners charged with the study of the disputed territory.

Its duty having thus been fulfilled, resorting to all the means apparently necessary and leading to the enlightenment of the matter, the committee, entirely satisfied and conveniently posted by the great number of data furnished by its searching investigations, thinks itself in a position to render an opinion upon the Montevideo Treaty, which it has the honor to submit to the high consideration of the Chamber of Deputies, in the following terms :

Whereas, the territory situated to the East of the rivers Pepiri Guazú and San Antonio, limited to the North by the river Iguazú, and at the South by the river Uruguay, belongs by fact and right to Brazil.

It belongs by right :

FIRST.—Because the treaty of the thirteenth day of Janaary, 1750, which was the first serious attempt made by the Courts of Lisbon and Madrid to fix the limits of their possessions, acknowledges, categorically, the possession by Portugal of the territory situated eastward of that line.

SECOND.—Because the treaty of the first day of October, 1777, in VIII Article provides : that the frontier shall pass by the rivers Pipiri Guazú and San Antonio, thus preserving the name Pepiri Guazú which the first demarcators give to the river Pequiri, of the river of the treaty of 1750, with a view not to confuse it with the river of the same name that flows into the Paraná, near the Guaira Fall, naming the river, which they explored, and whose ends were said to be borders of the Pepiri Guazú, equally San Antonio.

If this so conclusive a fact of the preservation of the names were not sufficient to convey to the most refractory minds the conviction that the Courts had the renovation of V Article of the treaty of 1750 in view, recourse could be had to the instructions of the Spanish government, signed by Minister Don José Galvez at Aranjuez, dated the sixth day of June, 1778, and to those from the Viceroy of Buenos Ayres, Don Juan José de Vertiz, with the respective operations plan where there are pointed out, in the most positive manner, the possessions and characteristic signs of the mouths of the rivers Pepiri Guazú and San Antonio.

THIRD.—Because these two rivers, spoken of by the treaties, are the same which were surveyed in 1887 by the first party from the joint commission of limits.

These rivers appear on the chart of the joint committee, on private plans, on the diaries of observations, and in the minutes, with the same names given them by the treaty of 1777, and is seen in the classical map of Juan de la Cruz Cano y Olmedilla, geographer of His Majesty, and others. The joint committee established that all topographical accidents, characteristic of the mouth of the Pepiri Guazú, and of its vicinages in the Uruguay, as well as those relative to the mouth and to the course of the San Antonio, which appear in diaries of the demarcators of last century (the first and second ones), and in the instructions of the government and of the Spanish commissioners, agree exactly with what was observed on the ground.

FOURTH.—Because the river Chapecó which the Spanish commissioners of the second demarcation denominated Pequiri Guazú, which name was preserved by the Argentines, was not known, and never appeared on any chart, or in any other document with such denomination, or any other, before being pointed out by the Spanish geographer Don Joaquín Gundin.

The signs given for the recognition of the Pepiri Guazú to the second demarcators are the same to be found at the mouth of this river, and differ very materially from those which the Spaniards affirmed to be existing at the mouth of the Chapecó.

From the discovery of the Chapecó sprang the Oyarvide's San Antonio Guazú, which is the Brazilians' Jangada, which the Argentines claim to be a frontier on the side of the Iguazú fall.

Neither the name of Pequiri Guazú nor that of San Antonio Guazú are mentioned in the treaty of 1777. These are pure fabrications made up much later, and which only served to create doubts which interfered with the progress of the

explorations, without the Spanish commissioners attaining their *desideratum*, because there is no act or public document sanctioned and approved by the government of Madrid, showing that it has attached any importance to the discovery of the geographer Gundin's river, or to the doubts among the commissioners.

It shows that the San Antonio Guazú was scarcely surveyed a few kilometres below its source. The fact of this river being the nearest to the Chapecó, which runs towards the Iguazú, is one of no account, as far as the question of right is concerned, because not only the Chapecó is not the Pipiri Guazú, but the Oyarvide's San Antonio Guazú is not the San Antonio mentioned in VIII Article of the treaty of 1777, in which no reference is made to the nearest river.

FIFTH.—Because VIII Article of the treaty of the first day of October, 1777, governs the limits of Brazil in this region with the Argentine Republic, notwithstanding its being a preliminary treaty; notwithstanding its not having been renewed by the treaty of Badajoz of 1801; notwithstanding the Brazilian government having affirmed its nullity; notwithstanding the fact that treaties only bind the contracting parties, and that it was celebrated between Portugal and Spain.

VIII Article of the treaty of 1777 is in full force, because the Argentine Republic accepts it; because the Brazilian government, though denying its absolute validity, accepts it upon this particular; finally because the extinguished treaties can be renewed or re-established by mutual consent, expressly or tacitly, of the contracting or accepting parties; and Brazil and the Argentine Republic have so declared more than once in public documents. Furthermore, the treaty of the first day of October, 1777, known by the treaty of San Ildefonso, never ceased to be valid, and as such it has been always maintained. Brazil, though considering it null, admits its VIII Article to govern the question of limits.

It belongs by fact: because Brazil exercises sovereignty and domain upon the territory now disputed where there exist administrative authorities, as well as judicial and of police; where taxes are imposed and collected, and where the real possession is shown in the most convincing manner by the existence of towns, among which one is head of district (Palmas); industrial establishments, country roads, bridges and other works of art, telegraphic lines, and finally a population of 8,000 souls, exclusively composed of Brazilians, in which not one Brazilian citizen is found.

Because Spain in the colonial times, or the Argentine Republic after her separation from the Metropolis, never occupied any portion of the territory situated to the east of the line of

the river Pepiri Guazú and San Antonio, showing *animus possidendi*.

It is well to express, and it is of great weight to demonstrate that up to a recent date, the Argentine Republic never intended to penetrate into the territory that she now disputes; that in 1866 the Brazilian government, engaged in the great struggle with the dictator of Paraguay, had communications opened as far as the River Paraná by the illustrious military engineers Jeronimo Jardim and Alvaro de Oliveira, then first lieutenants.

From the report signed by General Jardim, the explorer of 1866, it is demonstrated that there was in that period, of recent date, by the way, no road or path communicating the territory with the neighboring Republic.

Your Excellency was the first man who ever crossed that wilderness, giving names to places and setting signs.

Whereas, for the reasons already exposed, and others existing in great number, and which corroborate, in the most conclusive manner, the conviction of the committee, of the legitimacy of Brazil's claims to the territory; that the ex-Imperial government, fully convinced of our right, consented that it should be considered contestable; that this right is undeniable and irrefutable, either in the light of historical documents or affirmed by the conventional written right; and finally, taking as a basis the *uti possidetis*, real and effective, justified by a long, old, effective and peaceful possession; whereas the Montevideo treaty admitted the division of the territory.

Whereas, *ex vi* of the same treaty, there belongs to the Argentine Republic a considerable area of territory inhabited by countrymen of ours, who have their lands recorded in our archives, who always obeyed our authorities, and who always meant to build up their homes on the soil of the country.

And finally, whereas the Montevideo treaty must not annul the one of the fifth day of November, 1889, which stipulates arbitration as a last recourse, under the Constitution of the Republic, to resolve international questions; now, therefore,

The committee is of the opinion that the Chamber of Deputies shall not lend its sanction to the treaty of limits signed at Montevideo on the twenty-fifth day of January, 1890, Court of Sessions, the sixth day of August, 1891.

*Dionisio de Castro Cerqueira* (Reporter)—  
*Bernardino de Campos*—*Joaquin Francisco de Abreu*—*Francisco de Assis Rosa e Silva*—*Nilo Peçanha* (beaten)—  
*D'Manhaes Barreto*—*Anibal Falcão*—  
*Alcindo Guanabara*—*Doctor J. Augusto de Freitas*.

The Rio de Janeiro press published abstracts from the sessions in which the treaty was discussed. Some versions, more or less authorized, said what follows:

The negotiator of the treaty made, on the first day, a very extensive exposition of the history of the question under discussion, and closed revealing the doubts which after a lengthy study had struck him with regard to the clearness that had been always ascribed to the rights with which Brazil sustained its claims.

In his judgment, the contradictions were numerous, and it would be very difficult for an umpire to pass a sentence decidedly favorable to Brazil.

On the second day of his exposition Señor Bocayuva confined himself to refer to the situation in which the nation was placed at the moment of the proclamation of the Republic, the many difficulties which obstructed the course of the provisional government, the internal policy and the economical situation also; these circumstances having been instrumental to the celebration of the treaty with the Argentine Republic. He closed saying that the only thing in question, that which was being contended, was not precisely the Montevideo pact, since the Empire had adjusted one before on conditions less favorable, but the cause of the Republic, to the preservation of which everyone ought to concur that if, in order to attain this high purpose to counteract the present monarchical labors, the rejection of the treaty under discussion was necessary, he would not hesitate to invite the Chamber to proceed in that direction.

The last consideration of the opinion of the special committee says that the Montevideo treaty must not annul that of the fifth day of November, 1889, which provides arbitration as the last recourse, under the constitution of the new Republic, to resolve international questions, and Deputy Serzedello suggested the modification which the Chamber adopted in this form :

*Whereas* the last recourse for the decision of international question is arbitration, as provided by the constitution.....

This attitude, dispensing with the reference to the treaty of 1889, seemed to produce doubts as to its effectiveness after the rejection of the Montevideo pact; and this doubt was clearly shaped in the speech of Deputy Badaro, delivered shortly after.

At the sitting of the twenty-second day of September, 1891, the budget of Foreign Relations was discussed in the Chamber of Deputies.

I do not know, either, what the Argentine government pretends with regard to the territories of Misiones, after this assembly disproved the Montevideo treaty. I think that this question is dead, our right is irrefutable and, consequently, all previous treaties are annulled, including that of the fifth day of November, 1889, which stipulated arbitration, its procedure and the election of an arbitrator. On another occasion I said frankly to the Chamber, that the treaty of the fifth day of November could not be accomplished without the approbation of the legislature, since it might involve in its ulterior effects the cession of the territory or removal of jurisdiction, cases in which, even in the constitution of the Empire, the Congress approbation was required.

This is the only assembly which has been at work after the fifth day of November. The government is free from any embarrassment, and ought to take some steps with regard to the territory of Misiones, which is to be colonized by Russian Jews.

The government of Marshal Deodoro having been overthrown and substituted by that of Vice-President, General Floriano Peixoto, at the opening of the National Congress, it announced that the commissions of limits finished their Cabinet works, and, if necessary, the question would be submitted to arbitration.

At the same time a Brazilian diplomat sounded the opinion of the President of the Republic and mine in a personal way, upon a new direct settlement. I had the honor to state then that this form of solution was not desirable to us, and that we relied on the arbitration; but if Brazil had any new proposal to offer, it must be subjected to the previous acceptance of these three conditions:

- 1st. The proposal to be officially initiated by the Brazilian government.
- 2d. The proposal to bear the declaration that the treaty would be approved by the Rio Congress before being submitted to the Argentine Congress.
- 3d. The areas that each country would obtain by the new transaction to be similar to those of the Zeballos-Bocayuva treaty, though the position of the boundary line would vary.

A few days after this interchange of ideas of a personal character I was authorized by the President of the Republic to open a new negotiation, which would dispel the doubts which were already floating about the situation of the treaty of November, 1889, and of the future of the Misiones suit.

In December, 1890, and January, 1891, I addressed to Señor Agustin Arroyo, recently accredited at Rio de Janeiro with the high honors of his predecessors, the proper instructions. I urged him to decidedly sustain the arbitration, and to hasten its accomplishment.

It was necessary to warn him with regard to the overture for the direct settlement to which I have alluded, and in a note dated the twenty-eighth day of December I exposed the antecedents, which I confirmed in these terms:

I make Your Excellency acquainted with said antecedents, so that Your Excellency shall be entirely posted on what has happened, and improve the first opportunity, so as to inform the Minister of Foreign Relations of that country of what has been said here. Your Excellency will please to add that the Argentine government has no interest whatever in delaying the arbitration, but earnestly desires, as stated in the said note, to solve this suit, resorting to this recourse as quickly as possible.

On the eleventh day of January and in view of certain symptoms hostile to arbitration, I sent Señor Arroyo the following telegram:

Buenos Ayres, the eleventh day of January, 1892.

*To the Argentine Minister in Brazil.*

According to instructions which Your Excellency will have received by mail, hurry up solution suit of Misiones proposing to go decidedly to pending arbitration.

The Argentine government only waits for a definite word from Rio government to take proper steps.

Greetings,

ESTANISLAO S. ZEBALLOS.



Señor Arroyo replied :

Petropolis, the seventeenth day of January, 1892.

In compliance with Your Excellency's instructions I had an interview with the Minister of Foreign Relations, of which I give Your Excellency an account in note of this day. The Brazilian government declares that the treaty of September, 1889, has recovered its full validity, and the government is determined to accomplish it. The government only waits for the termination of the labors of the commission of limits.

AGUSTIN ARROYO.

Brazil was passing through trying moments of agitation, and in anticipation of possible political modifications, the Argentine government decided to solemnize the result of that conference by sending to Señor Arroyo the following urgent instructions :

Buenos Ayres, the twenty-seventh day of January, 1892.

*To the Argentine Minister at Rio de Janeiro.*

Confirming yesterday's telegram, please propose to celebrate a protocol stipulating urgency of treaty of arbitration, and obligation to communicate at once to the President of the United States his selection, by common accord, to decide question of limits. Telegraph results.

ESTANISLAO S. ZEBALLOS.

On the eighth day of February Señor Arroyo and the Minister of Foreign Relations of Brazil, Señor Lobo, agreed to shape into written form the declarations interchanged through notes, a brief form which circumstances rendered preferable to a protocol, the Argentine instructions having arrived at the moment of a political crisis. The Cabinet fell on the ninth, so that the notes remained unsigned.

Deputy Serzedello succeeded Señor Lobo. The amendment of the last consideration of the opinion of the special committee which studied the Montevideo treaty, which was asked for and obtained in the Chamber of Deputies by Señor Serzedello, caused this alarm ; but the new Minister, in a conference with the Argentine plenipotentiary, made explicit declarations, not only with regard to his high estimation of the cordial relation with our country, but accepting without reserve, the solution by arbitration.

But the written form of the declarations did not materialize. The Brazilian government always expected that Baron de Capanema would finish the Cabinet work relative to the exploration of Misiones. General Garmendia had terminated those of his commission, and sent to Rio de Janeiro the report and the plans stipulated by the treaty of 1885, so that they should be signed by his colleague. The Argentine government repeated its instructions to Señor Arroyo, so that he would obtain proper aid to have Baron de Capanema make haste, thus eliminating the only obstacle in the way of arbitration.

On the fourteenth day of March Señor Serzedello offered his excuses to the Argentine Minister, who fulfilled his instructions faithfully, for the delay, and it was agreed to finish the negotiation without loss of time.

The Argentine note of the twenty-second day of February was finally replied to on the seventeenth day of March, and the compromise was solemnly established. The following are the notes :

LEGATION OF THE  
ARGENTINE REPUBLIC.

Petropolis, the twenty-second day of February, 1892.

At the conference I had the honor to hold with Your Excellency on the sixteenth instant, relative to the benefits that our respective countries would derive from the prompt and definite conclusion of the pending question of Misiones, the only one which divides them, I had occasion to propose to Your Excellency, in pursuance of instructions received from my government, the celebration of a protocol, in which we should set forth the necessity of complying, without delay, with the provision of the treaty on arbitration, signed at Buenos Ayres on the seventh day of September, 1889, the ratifications of which were exchanged at Rio de Janeiro on the fourth day of November following, asking the President of the United States for his acquiescence, so as to confer upon him the charge of arbitrator which the said pact assigns to him.

I then had the pleasure to hear from Your Excellency, as I had heard before from his distinguished predecessor that the government of Brazil was determined to bring into practice, without delay, the decision of the said convention, to which end Your Excellency had just had an interview with Señor Baron de Capanema, chief of the commission of limits, from whom Your Excellency had received the assurance that the labors under his charge were nearly completed, and would be presented to Your Excellency momentarily. Your Excellency further said, in this connection, that there was no apparent necessity to adjust a new protocol, since the point for stipulation was bound to be realized within very few days.

It was my province to reply to Your Excellency that, at all events, I did not think it out of place to exchange notes in which we would record the ideas expressed during our interview, as a palpable demonstration of the perfect harmony of purpose existing between both governments, tending to the acceleration of the moment of seeing the international horizon of both republics free, for ever, from the only divergence which at this present day precludes their marching together in unison upon the road of their respective progress.

Your Excellency having admitted the propriety of the said indication, I begin, for my part, to realize it by addressing the present note, in whose contents I expect that Your Excellency will see, faithfully reproduced, the views which we had occasion to exchange upon the treaty in the course of the conference which I have just epitomized.

Trusting that Your Excellency will kindly favor me with an answer, I take pleasure to improve this opportunity to reiterate to the Minister the assurances of my most distinguished consideration.

(Signed) AGUSTIN ARROYO.

*To Lieutenant-Colonel Don Inocencio Serzedello, Minister of Foreign Relations of the United States of Brazil.*

TRANSLATION.

DEPARTMENT  
OF  
FOREIGN RELATIONS

Rio de Janeiro, the seventeenth day of March, 1892.

I have the honor to reply to the note which Señor Don Agustin Arroyo. Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic has been pleased to address to me on the twenty-second ultimo, in which, with reference to conferences he had held with me, and with my predecessor, treats on the convenience that the question of limits shall be submitted, without delay, to the arbitration of the President of the United States of America.

The treaty of the seventh day of September, 1889, being, as it is, a binding law for both contracting parties, cannot undergo any alteration without the consent of the respective Congresses. When I agreed in the said convenience I understood, as I still understand, that the action of both governments is dependent upon the provisions of the said treaty.

I Article fixes the term of ninety days for the closing of the discussion on right from the day on which each of the commissions, constituting the joint committee, shall have delivered to its government the report and the plan referred to in IV Article.

The report and the plan belonging to the Argentine government were sent from here on the nineteenth ultimo to Señor Garmendia by Señor Baron de Capanema, who handed to me those of Brazil on the same occasion. Since that date, or from the date on which the said General shall have made a similar delivery, probably the twenty-fifth, the stipulated ninety days must be counted. The Argentine government got ahead of time, but it does not matter.

The Brazilian Counter Memorandum is the last document of discussion upon right, and as in case this should be continued, the Argentine government would have the saying, the Vice-President of the Republic accepts Señor Arroyo's note as a declaration that the said discussion is closed.

It is not necessary for both governments to wait for the expiration of the term of ninety days, which occurs in the latter part of May, to ask the President of the United States of America to accept the charge of arbitrator.

Therefore, the Vice-President, agreeing to proceed in this matter with all possible promptness, thinks that in conformity with the spirit and letter of II Article of the treaty, it is incumbent upon him to address a letter to the appointed arbitrator through the accredited Minister of Brazil in Washington on an ordinary mission, directing at the same time that an authentic copy of the treaty and its translation be placed in the hands of the Secretary of State.

If, as is to be expected, the reply should be favorable, an Envoy Extraordinary on a special mission shall go to the United States of America.

Should the Argentine government agree upon this proceeding, the letter from the Cabinet, to which I have made reference, shall be issued without delay.

I avail with pleasure of this opportunity to reiterate to Señor Arroyo the assurances of my high consideration.

(Signed)

SERZEDELLO CORREA.

It was, therefore, necessary to take the exploration of Misiones as closed, that is to say, to declare accomplished the preliminary treaty of 1885, and then to finish up the diplomatic debate, and submit the question to the umpire.

General Garmendia produced the plans and reports in connection with those operations, and the government issued the needful decrees. The following are the documents :

Zarate, the eleventh day of April, 1892.

*To His Excellency, Minister of Foreign Relations, Doctor Don Estanislao S. Zeballos.*

I have the honor to address Your Excellency handing the Argentine general plan, and the report provided by XII Article of the instructions recently received, signed by the joint commission, as well as the partial plans of the mouths of the rivers Pepiri Guazú and Pequiri Guazú, and of the highest grounds between the same, signed by the chiefs of both commissions, together with the private report of the undersigned, in possession of Your Excellency, with which all the labors of the Argentine Commission of Limits with Brazil are terminated, and consequently the stipulations contained in the instructions, annexed to the treaty of the twenty-eighth day of September. 1885, have been complied with.

In addition to this I enclose an index of the plans and documents which have been delivered to the Department, representing the complement, in its minute details of all the works, as well as the diplomatic correspondence, official and private, with Baron de Capanema, the Minister of Foreign Relations, who have held the office during this time, the commissioners and other officers of the commission of limits.

As I have on previous occasions praised the distinguished members of the Argentine commission of limits, whose underlings were compensated for their services in accordance with their actions, I omit to enter into further considerations upon that matter.

I avail of this opportunity to greet Your Excellency with my greatest esteem and consideration.

*José Ignacio Garmendia.*

DEPARTMENT  
OF  
FOREIGN RELATIONS.

Buenos Ayres, the eleventh day of April, 1892.

The chief commissioner of the joint commission of limits with Brazil, General Don José Ignacio Garmendia, having stated that with the delivery of the maps which he received, signed by the Brazilian chief commissioner of the said commission, Baron of Capanema, terminate the labors which, according to the treaty of the twenty-eighth day of September, 1885, were committed to him for the exploration of the contested territory of Misiones and the four rivers of the international controversy ;

*The President of the Republic*

DECREES :

I Article. The exploration which according to the instructions annexed to the treaty of 1855 was commanded to the joint commission of limits on the contested territory and the rivers above mentioned, is declared as terminated.

II Article. It is ordered that an expression of thanks be given, in the name of the government, and in the manner agreed upon, to the chief of the Argentine commission, Brigadier-General Don José Ignacio Garmendia, commissioners and officers of the same, and that an individual note shall be sent to every member as a memento of their distinguished merits contracted in the performance of this grave international commission.

III Article. Also, that a note be sent to the Departments of War and Navy with a transcript of this decree, as an evidence of the services rendered to the country by the chiefs, officers and soldiers of the army and of the navy who took part in said commission.

IV Article. Communicate this, etc.

PELLEGRINI.

ESTANISLAO S. ZEBALLOS.

Whereupon, the Brazilian government's proposal as to procedure were answered in the following terms :

Buenos Ayres, the thirty-first day of March, 1892.

To the Minister :

I have had the pleasure to receive Your Excellency's note No. 69, dated the nineteenth inst., accompanying copy of the communications which Your Excellency has exchanged with the Minister of Foreign Relations of Brazil, establishing that the question of limits between both countries shall be immediately submitted to the arbitration of the President of the United States, according to the treaty of the seventh day of September, 1889.

The President of the Republic having been apprised of the contents of these notes, has decided upon approving of the judicious fulfillment given by Your Excellency to the instructions I had the honor to transmit by note of the twenty-ninth day of December, 1891. There is no inconvenience in accepting the date of the twenty-fifth day of February as a starting point to count the ninety days of I Article of the treaty.

Therefore Your Excellency will kindly notify the Minister of Foreign Relations that the Argentine government will sign, under date of the fifteenth day of April next, the autographic letters for the President of the United States, as well as the copies of the treaty. These documents shall be forwarded by the next mail to the accredited Legation at Washington, for proper course.

In accordance with the term stipulated in IV Article of the treaty of the seventh day of September, 1889, the Argentine government shall, in due time, appoint the plenipotentiary who shall defend the rights of the Argentine Republic.

I avail of this opportunity to reiterate to Your Excellency the assurances of my distinguished consideration.

ESTANISLAO S. ZEBALLOS.

*To His Excellency, Señor Don Agustin Arroy, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic in the United States of Brazil.*

The Argentine government addressed the President of the United States in these terms :

CARLOS PELLEGRINI,  
CONSTITUTIONAL PRESIDENT OF THE  
ARGENTINE REPUBLIC.

*To His Excellency the President of the United States of America.*

*Great and good friend.*

Greeting.—By II Article of the treaty signed in this city on the seventh day of the month of September, 1889, a legalized copy of which I have the honor to accompany herewith, it was stipulated that the time referred to in I Article, having expired without an amicable solution, the question of limits existing between the Argentine Republic and Brazil should be submitted to the arbitration of the President of the United States of America.

The high contracting parties, in designating Your Excellency in said capacity, have taken into consideration not only the friendly relations which tie them to the United States of America, but also the vivid interest that inspires Your Excellency in everything connected with the civilization of the American nations. I, therefore, ask that Your Excellency will kindly deign to accept the appointment of arbitrator, which the said international pact confers upon Your Excellency, so that Your Excellency's just and avowedly impartial sentence shall decide, in a satisfactory and honorable manner for both countries, this matter which has been discussed during more than a century.

With sincere wishes for the greatness of the United States of America, I have the honor to tender to Your Excellency the assurances of my highest consideration and particular esteem.

C. PELLEGRINI.

ESTANISLAO S. ZEBALLOS.

Issued in the City of Buenos Ayres, capital of the Argentine Republic, on the twelfth day of April, of the year 1892.

The Government of the United States has addressed to the Argentine Legation at Washington, the following communication :

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